REPORT,

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM THE

EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

TORONTO:
PRINTED BY ROBERT STANTON.

MDCCCXXXIX.

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THE INTELLIGENCER.

BELLEVILLE APRIL WEDNESDAY 24th 1839.

Lord Durham. We perceive that the conservative Press of the Province, has changed its opinion of Lord Durham, and is now occupied, in animadverting in no measured terms, upon the report, which his Lordship has presented, with regard to the Province of Upper Canada. Our opinion is not changed. We ever regarded the acts of His Lordship's administration, as subversive of British institutions, and his Lordship's report furnishes additional proof, that we were right.

Lord Durham, boasts of the addresses that were presented to him, and states that in the appendix to his report, the several addresses referred to, will be found. We do not remember all the various Towns and Counties, that sent addresses to his Lordship, therefore we cannot say, whether he has omitted many, in the Appendix. But one, he has most assuredly omitted. He has omitted the address of the County of Hastings, and we shall presently, show, that his motives for so doing were dishonest.

Perhaps, we should not have noticed the omission of the address, had not his Lordship, been pleased to notice, in his report, the letter of Mr. Manahan a Member for the County of Hastings; and surely if the representations of a member for a County, upon any subject, connected with his Lordship's mission, were deemed worthy of notice in the body of his report, the opinions of Mr. Manahan's constituants were at least worthy of a place, in an Appendix. We now give the address.

ADDRESS.

OF THE

COUNTY OF HASTINGS.

To His Excellency the Earl of Durham, K. C. B., Governor General of British North America, &c. &c. &c

May it please Your Excelleney,

We, Her Majesty's loyal subjec's, of the County of Hastings, in the Midland District, beg leave to congratulate your Excellency on your safe arrival in this Province, and trust, that during your short stay amongst us, your Excellency has become fully convinced that the Province is essentially British; and that the majority of its inhabitants do not require any further ingredients of democracy to be *mixed up with their Government to render them happy and prosperous.*

We need hardly declare to your Excellency our fervent attachment to our most Gracious Queen, and all the Institutions of the British Empire. It will only be necessary for us to state to your Excellency, that we have not been spectators from afar off the scenes of the late rebellion; but we have had to defend the integrity of the Empire in our own County, which we are sorry to say was extensively engaged in the risings which took place in December, 1837, and February 1838.

While yet smarting under the fatigues and hardships which we had to endure in consequence of the rebellion, so ably crushed by His Excellency Sir Francis Bond Head, we beheld with delight the appointment of your Excellency, as Governor General of British North America. Your Excellency's declaration in favor of the existing Institutions of the Empire, on Her Majesty's ascending the Throne, *induced us to believe that*, in appointing You to the Government of British North America, and in bestowing upon your Excellency, the extraordinary powers of Her Commissioner, that our most Gracious Sovreign gave to her loyal subjects of Upper Canada, *a strong and unquestionable guarantee that our Constitution should be maintained inviolate.* For this the loyal Militia of Upper Canada fought, and are ready and willing ever to fight, and trust that, under a kind Providence, it will be your Excellency's object so to maintain it inviolate. That it is your Excellency's intention so to do, we have your declaration on assuming the reigns of Government, in which we place the utmost confidence.

May the difficulties demanding your Excellency's extraordinary powers early expire; & may your Excellency soon be able to restore to our Sister Province, a Constitution so amended, that will make it British in fact, as well as name.

There are two passages in the above address wich did not suit his Lordship's projects. One, announced that it was the opinion of the Inhabitants of the County of Hastings, that the population of this Province "required no further ingredients of democracy to be mixed up with their government" the other, the meed awarded to Sir Francis Bond Head, for the able manner, in which he had crushed the rebellion. That the address from Hastings, did not exactly suit his Lordship's views we may well imagine, when we find passages like the following in his report, "*That in despair of obtaining the benefits enjoyed by the people of the United States their (the Canadian) present institutions. desire the adoption of a Republican Constitution, or even an incorporation with the American Union.* This it will at once be perceived, is in direct contradiction to the conduct of the loyal population throughout the Province. Had Her Majesty's subjects, desired "a Republican Constitution" how easily could they have obtained it, in December 1837, when their Sovreigns Representative, had no force to rely upon, but the loyalty of their hearts, how easily could they, had such been their desire, have announced their will to their noble Governor; and it might have been granted. But no, the struggle was monarchy's Republic, and monarchy triumphed, and Republicanism was crushed, and yet my Lord Durham talks of our desiring a Republican Constitution." It was upon this point that Sir Francis Head was supported, and Bidwell, Rolph and Mc'Kenzie opposed, it was upon this point that the former triumphed and the latter fell. It must never be forgotten that "the republican ingredients of the *Responsible Executive Council* as advocated by Rolph, and now by Lord Durham, was annulled by the Electors, at the Hustings in 1836. And in the face of these facts, is it for Lord Durham to tell the world, that the population of Canada "desires, Republican institutions?" Was it to establish republican institutions, that the Inhabitants of the Province sacrifised many lives and much property? or was to maintain their own Institutions inviolate? And having succeeded without the aid of a single regular soldier in maintaining the integrity of the Empire, are we now to be taunted with the malignant aspersions of My Lord Durham and his falsehearted and false-tongued secretaries, Buller and Turton? Apity it is, that the conservative press, spake not its apprehensions of this quack's remidies, when he was amongst us, basking in the sunshine of vice regal authority. They now see, perhaps too late, that his noxious remedies, are likely to prove to be poisons, and they are attempting to counteract the evils, to be dreaded, after the venom has laid hold of the Constitution. God grant it prove strong enough to withstand the baneful effects of the operation of the dose.

"Desire a Republic!" Why should we desire it? Will it yield us greater security of property? will afford us better legal protection? Will it increase our love for God, or our respect for the laws of society? Or will it not rather annihilate all these? Would not the establishment of Republic in Canada, bring amongst us, the disgraceful scenes of murder and villany, which we all so much condemn, in the newly settled South Western States? Would not these very States, bad as they now appear to us, become a paradise, comparatively with the state of society, which would be brought into existence in Canada, by establishing a Republic? And are these reasons, why we should desire a Republican Constitution? No no. But should the base spirit that has produced the Durham Report, gain the ascendancy in the Imperial Parliament, should the present Monarchial Constitution, under which we rejoice to live, be swept away by the besom of Republicism, then the loyal will raise en masse not indeed to oppose the will of the Nation, but to emigrate from the Land of their choice, to a Republic indeed. For better far would it be to live in the midst of the Republican States, than to live in such a Land as Canada would be, under the cursed dominion of democratic institutions.

It is to be hoped, that our Parliament will appoint an agent to oppose Lord Durham's Report, before the Imperial Parliament. The Chief Justice, now in England, is the man, and he should be clothed with sufficient power to oppose the report. But we trust, that no such farce, will be attempted by the Assembly, as to send such a scheming political gambler, as Mr. Merritt to represent the interest of this Colony in England, Mr. Merrit is not what he appears. Of that we are certain.

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"A mixture of Oil of Vitriol — Durham Mustard and Soft Sawder — It contains some new things, and some true things — The new things are not true things — and the true things are not new things"

(Halifax Merchant)

"A heightened caricature after the manner of the 92 Resolutions"

—

"A Bulletin" †

"Forced by a Durham B — K"

Anonymous

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† Some of our papers insinuate the desire that in common parlance, instead of saying a "great bouncer" we should say a "Bulletin"!

REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY:

YOUR MAJESTY, in entrusting me with the Government of the Province of Lower Canada, during the critical period of the suspension of its Constitution, was pleased, at the same time, to impose on me a task of equal difficulty, and of far more permanent importance, by appointing me "High Commissioner for the adjustment of certain important questions depending in the Provinces of Lower and Upper Canada, respecting the form and future Government of the said Provinces." To enable me to discharge this duty with the greater efficiency, I was invested, not only with the title, but with the actual functions of Governor General of all Your Majesty's North American Provinces; and my instructions restricted my authority by none of those limitations that had, in fact, deprived preceding Governors of Lower Canada of all control over the other Provinces, which, nevertheless, it had been the practice to render nominally subordinate to them. It was in addition, therefore, to the exclusive management of the administrative business of an extensive and disturbed Province, to the legislative duties that were accumulated on me during the abeyance of its representative Government, and to the constant communications which I was compelled to maintain, not only with the Lieutenant Governors, but also with individual inhabitants of the other five Provinces, that I had to search into the nature and extent of the questions, of which the adjustment is requisite for the tranquillity of the Canadas; to set on foot various and extensive inquiries into the institutions and administration of those Provinces; and to devise such reforms in the system of their Government as might repair the mischief which had already been done, and lay the foundations of order, tranquillity and improvement.

The task of providing for the adjustment of questions affecting the very "form and administration of Civil Government," was naturally limited to the two Provinces in which the settlement of such questions had been rendered matter of urgent necessity, by the events that had in one seriously endangered, and in the other actually suspended, the working of the existing Constitution. But though the necessity only reached thus far, the extension of my authority over all the British Provinces in North America, for the declared purpose of enabling me more effectually to adjust the constitutional questions then at issue in two of them, together with the specific instructions contained in Despatches from the Secretary of State, brought under my view the character and influence of the institutions established in all. I found in all these Provinces a form of Government so nearly the same—institutions generally so similar, and occasionally so connected—and interests, feelings and habits, so much in common, that it was obvious, at the first glance, that my conclusions would be formed without a proper use of the materials at my disposal, unless my inquiries were as extended as my power of making them. How inseparably connected I found the interests of Your Majesty's Provinces in North America, to

what degree I met with common disorders, requiring common remedies, is an important topic, which it will be my duty to discuss very fully before closing this Report. My object at present is merely to explain the extent of the task imposed on me, and to point out the fact, that an inquiry originally directed only to two, has necessarily been extended over all Your Majesty's Provinces in North America.

While I found the field of inquiry thus large, and every day's experience and reflection impressed more deeply on my mind the importance of the decision which it would be my duty to suggest, it became equally clear, that that decision, to be of any avail, must be prompt and final. I needed no personal observation to convince me of this; for the evils I had it in charge to remedy, are evils which no civilized community can long continue to bear. There is no class or section of Your Majesty's Subjects in either of the Canadas, that does not suffer from both the existing disorder and the doubt which hangs over the future form and policy of the Government. While the present state of things is allowed to last, the actual inhabitants of these Provinces have no security for person or property—no enjoyment of what they possess—no stimulus to industry. The development of the vast resources of these extensive territories is arrested; and the population, which should be attracted to fill and fertilize them, is directed into Foreign States. Every day, during which a final and stable settlement is delayed, the condition of the Colonies becomes worse—the minds of men more exasperated—and the success of any scheme of adjustment more precarious.

I was aware of the necessity of promptitude in my decision on the most important of the questions committed to me at a very early period after my acceptance of the mission which Your Majesty was pleased to confide to me. Before leaving England, I assured Your Majesty's Ministers, that the plan which I should suggest for the future Government of the Canadas, should be in readiness by the commencement of the ensuing Session; and, though I had made provision that, under any circumstances, the measures which I might suggest should be explained and supported in Parliament by some person who would have had a share in the preparation of them, I added, that it was not improbable that I might deem it my paramount duty towards the Provinces entrusted to me to attend in my place in the House of Lords, for the purpose of explaining my own views, and supporting my own recommendations. My resignation of the office of Governor General has, therefore, in nowise precipitated my suggestion of the plan which appears to me best calculated to settle the future form and policy of Government in the Canadas. It has prevented, certainly, my completing some inquiries which I had instituted, with a view of effecting practical reforms of essential, but still of subordinate importance. But with the chief of my duties as High Commissioner—that of suggesting the future Constitution of these Colonies—that event has interfered in no way, except in so far as the circumstances which attended it occasioned an undue intrusion of extraneous business on the time which was left for the completion of my labours.

In truth, the administrative and legislative business which daily demanded my attention could, with difficulty, be discharged by the most unremitting labour on my own part, and on that of all those who accompanied me from England, or were employed by me in Canada.

It is in these circumstances, and under such disadvantages, that this Report has been prepared. I may not, therefore, present as extended and

as complete a foundation as I could have wished, for those measures of vast and permanent importance which Parliament will find it necessary to adopt. But it will include the whole range of those subjects which it is essential should be brought under Your Majesty's view, and will prove that I have not rested content without fully developing the evils which lie at the root of the disorders of the North American Provinces—and at the same time suggesting remedies which, to the best of my judgment, will provide an effectual cure.

The same reasons, and the same obstacles, have prevented me from annexing a greater amount of detail and illustration, which, under more favourable circumstances, it would have been incumbent on me to collect, for the purpose of rendering clear and familiar to every mind, every particular of a state of things on which little correct, and much false information, has hitherto been current in this country. I cannot, therefore, but deeply regret that such a drawback on its efficacy should have been a necessary consequence of the circumstances under which the Report has been prepared. I still hope that the materials collected by me, though not as ample as I could have desired, will, nevertheless, be found sufficient for enabling the Imperial Legislature to form a sound decision on the important interests which are involved in the result of its deliberations.

These interests are, indeed, of great magnitude; and on the course which Your Majesty, and Your Parliament may adopt, with respect to the North American Colonies, will depend the future destinies, not only of the million and a half of Your Majesty's Subjects, who at present inhabit those Provinces, but of that vast population which those ample and fertile territories are fit and destined hereafter to support. No portion of the American Continent possesses greater natural resources for the maintenance of large and flourishing communities. An almost boundless range of the richest soil still remains unsettled, and may be rendered available for the purposes of agriculture. The wealth of inexhaustible forests of the best timber in America, and of extensive regions of the most valuable minerals, have as yet been scarcely touched. Along the whole line of sea-coast, around each island, and in every river, are to be found the greatest and richest fisheries in the world. The best fuel, and the most abundant water-power, are available for the coarser manufactures, for which an easy and certain market will be found. Trade with other Continents is favoured by the possession of a large number of safe and spacious harbours; long, deep, and numerous rivers, and vast inland seas, supply the means of easy intercourse; and the structure of the country generally affords the utmost facility for every species of communication by land. Unbounded materials of agricultural, commercial, and manufacturing industry are there: it depends upon the present decision of the Imperial Legislature to determine for whose benefit they are to be rendered available. The Country which has founded and maintained these Colonies, at a vast expense of blood and treasure, may justly expect its compensation in turning their unappropriated resources to the account of its own redundant population; they are the rightful patrimony of the English people—the ample apanage which God and nature have set aside in the New World, for those whose lot has assigned them but insufficient portions in the Old. Under wise and and free institutions, these great advantages may yet be secured to Your Majesty's Subjects—and a connection, secured by the link of kindred origin, and mutual benefits, may continue to bind to the British Empire the ample territories of its North American Provinces, and the large and flourishing population by which they will assuredly be filled.

LOWER CANADA.

The prominent place which the dissensions of Lower Canada had, for some years, occupied in the eyes of the Imperial Legislature, the alarming state of disorder indicated or occasioned by the recent insurrection, and the paramount necessity of my applying my earliest efforts to the re-establishment of free and regular government in that particular Colony, in which it was then wholly suspended, necessarily directed my first inquiries to the Province of which the local government was vested in my hands. The suspension of the Constitution gave me an essential advantage over my predecessors in the conduct of my inquiries; it not merely relieved me from the burden of constant discussions with the legislative bodies, but it enabled me to turn my attention from the alleged to the real grievances of the Provinee; to leave on one side those matters of temporary contest which accident, or the interests and passions of parties, had elevated into undue importance; and, without reference to the representations of the disputants, to endeavour to make myself master of the real condition of the people, and the real causes of dissatisfaction or suffering. It was also a great advantage to me, in one respect, that the ordinary business of the government of the Province was combined with the functions of my inquiry. The routine of every day's administrative business brought strongly and familiarly before me the working of the institutions on which I was called to judge. The condition of the people, the system by which they were governed, were thus rendered familiar to me, and I soon became satisfied, that I must search in the very composition of society, and in the fundamental institutions of government, for the causes of the constant and extensive disorder which I witnessed.

The lengthened and various discussions which had for some years been carried on between the contending parties in the Colony, and the representations which had been circulated at home, had produced in mine, as in most minds in England, a very erroneous view of the parties at issue in Lower Canada. The quarrel which I was sent for the purpose of healing, had been a quarrel between the executive government and the popular branch of the legislature. The latter body had, apparently, been contending for popular rights and free government. The executive government had been defending the prerogative of the Crown, and the institutions which, in accordance with the principles of the British constitution, had been established as checks on the unbridled exercises of popular power. Though, during the dispute, indications had been given of the existence of dissensions, yet deeper and more formidable than any which arose from simply political causes, I had still, in common with most of my countrymen, imagined that the original and constant source of the evil was to be found in the defects of the political institutions of the provinces; that a reform of the constitution, or perhaps merely the introduction of a sounder practice itnto the administration of the government, would remove all causes of contest and complaint. This opinion was strenghtened by the well-known fact, that the political dissentions which had produced their most formidable results in this Province, had assumed a similar, though milder form in the neighbouring Colonies; and that the tranquillity of each of the North American Provinces was subject to constant disturbance from collision between the Executive and the Representatives of the people. The Constitutions of these Colonies, the official characters and positions of the contending parties, the avowed subjects of dispute, and

the general principles asserted on each side, were so similar, that I could not but concur in the very general opinion, that the common quarrel was the result of some common defect in the almost identical institutions of these Provinces. I looked upon it as a dispute analagous to those with which history and experience have made us so familiar in Europe—a dispute between a people demanding an extension of popular privileges on the one hand, and an Executive on the other, defending the powers which it conceived necessary for the maintenance of order. I supposed that my principal business would be that of determining how far each party might be in the right, or which was in the wrong; of devising some means of removing the defects which had occasioned the collision; and of restoring such a balance of the constitutional powers as might secure the free and peaceful working of the machine of government.

In a despatch which I addressed to your Majesty's Principal Secretary of State for the Colonies, on the 9th of August last, I detailed with great minuteness the impressions which had been produced on my mind by the state of things which existed in Lower Canada. I acknowledge that the experience derived from my residence in the Province had completely changed my view of the relative influence of the causes which had been assigned for the existing disorders. I had not, indeed, been brought to believe that the institutions of Lower Canada were less defective than I had originally presumed them to be. From the peculiar circumstances in which I was placed, I was enabled to make such effectual observations as convinced me that there had existed in the Constitution of the Province, in the balance of political powers, in the spirit and practice of administration in every department of the Government, defects that were quite sufficient to account for a great degree of mismanagement and dissatisfaction. The same observation had also impressed on me the conviction that, for the peculiar and disastrous dissensions of this Province, there existed a far deeper and far more efficient cause—a cause which penetrated beneath its political institutions into its social state—a cause which no reform of constitution or laws that should leave the elements of society unaltered could remove, but which must be removed ere any success could be expected in any attempt to remedy the many evils of this unhappy Province. I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions, until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English.

It would be vain for me to expect that any description I can give will impress on your Majesty such a view of the animosity of these races, as my personal experience in Lower Canada has forced on me. Our happy immunity from any feelings of national hostility, renders it difficult for us to comprehend the intensity of the hatred which the difference of language, of laws, and of manners, creates between those who inhabit the same village, and are citizens of the same state. We are ready to believe that the real motive of the quarrel is something else, and that the difference of race has slightly and occasionally aggravated dissensions, which we attribute to some more usual cause. Experience of a state of society, so unhappily divided as that of Lower Canada, leads to an exactly contrary opinion. The national feud forces itself on the very senses,

irresistibly and palpably, as the origin or the essence of every dispute which divides the community; we discover that dissensions, which appear to have another origin, are but forms of this constant and all-pervading quarrel; and that every contest is one of French and English in the outset, or becomes so ere it has run its course.

The political discontents, for which the vicious system of government has given too much cause, have for a long time concealed or modified the influence of the national quarrel. It has been argued that origin can have but little effect in dividing the country, inasmuch as individuals of each race have constantly been enlisted together on the side of government, or been found united in leading the Assembly to assail its alleged abuses; that the names of some of the prominent leaders of the rebellion mark their English, while those of some of the most unpopular supporters of the government denote their French origin; and that the representatives, if not of an actual majority, (as has occasionally been asserted) at any rate of a large proportion of the purely English population, have been found constantly voting with the majority of the assembly against what is called the British party. Temporary and local causes have no doubt, to a certain extent, produced such results. The national hostility has not assumed its permanent influence till of late years, nor has it exhibited itself every where at once. While it displayed itself long ago in the cities of Quebec and Montreal, where the leaders and masses of the rival races most speedily came into collision, the inhabitants of the eastern townships, who where removed from all personal contact with the French, and those of the district below Quebec, who experienced little interference from the English, continued to a very late period to entertain comparatively friendly feelings towards those of the opposite races. But this is a distinction which has unfortunately, year after year, been exhibiting itself more strongly, and diffusing itself more widely. One by one the ancient English leaders of the Assembly have fallen off from the majority, and attached themselves to the party which supported the British Government against it. Every election from the townships added to the English minority. On the other hand, year after year, in spite of the various influences which a government can exercise, and of which no people in the world are more susceptible than the French Canadians; in spite of the additional motives of prudence and patriotism which deter timid or calm men from acting with a party, obviously endangering the public tranquillity by the violence of its conduct, the number of French Canadians, on whom the Government could rely, has been narrowed by the influence of those associations which have drawn them into the ranks of their kindred. The insurrection of 1837 completed the division. Since the resort to arms the two races have been distinctly and completely arrayed against each other. No portion of the English population was backward in taking arms in defence of the Government; with a single exception, no portion of the Canadian population was allowed to do so, even where it was asserted by some that their loyalty inclined them thereto. The exasperation thus generated has extended over the whole of each race. The most just and sensible of the English, those whose politics had always been most liberal, those who had always advocated the most moderate policy in the provincial disputes, seem from that moment to have taken their part against the French as resolutely, if not as fiercely, as the rest of their countrymen, and to have joined in the determination never again to submit to a French majority. A few excep-

tions mark the existence, rather than militate against the truth of the general rule of national hostility. A few of the French, distinguished by moderate and enlarged views, still condemn the narrow national prejudices and ruinous violence of their countrymen, while they equally resist what they consider the violent and unjust pretensions of a minority, and endeavour to form a middle party between the two extremes. A large part of the Catholic Clergy, a few of the principal proprietors of the seignorial families, and some of those who are influenced by ancient connexions of party, support the government against revolutionary violence. A very few persons of English origin, (not more perhaps than fifty out of the whole number) still continue to act with the party which they originally espoused. Those who affect to form a middle party exercise no influence on the contending extremes; and those who side with the nation from which their birth distinguishes them, are regarded by their countrymen with aggravated hatred, as renegades from their race; while they obtain but little of the real affection, confidence or esteem of those whom they have joined.

The grounds of quarrel which are commonly alleged appear, on investigation, to have little to do with its real cause; and the inquirer, who has imagined that the public demonstrations or professions of the parties have put him in possession of their real motives and designs, is surprised to find, upon nearer observation, how much he has been deceived by the false colours under which they have been in the habit of fighting. It is not, indeed surprising, that each party should, in this instance, have practised more than the usual frauds of language, by which factions in every country seek to secure the sympathy of other communities. A quarrel based on the mere ground of national animosity, appears so revolting to the notions of good sense and charity prevalent in the civilized world, that the parties who feel such a passion the most strongly, and indulge it the most openly, are at great pains to class themselves under any denominations but those which would correctly designate their objects and feelings. The French Canadians have attempted to shroud their hostility to the influence of English emigration, and the introduction of British institutions, under the guise of warfare against the Government and its supporters, whom they represented to be a small knot of corrupt and insolent dependents; being a majority, they have invoked the principles of popular control and democracy, and appealed with no little effect to the sympathy of liberal politicians in every quarter of the world. The English, finding their opponents in collision with the government, have raised the cry of loyalty and attachment to British connection, and denounced the republican designs of the French, whom they designate, or rather used to designate, by the appellation of Radicals. Thus the French have been viewed as a democratic party, contending for reform; and the English as a Conservative minority, protecting the menaced connection with the British Crown, and the supreme authority of the empire. There is truth in this notion, in so far as respects the means by which each party sought to carry its own views of government into effect. The French majority asserted the most democratic doctrines of the rights of a numerical majority. The English minority availed itself of the protection of the prerogative, and allied itself with all those of the colonial institutions which enabled the few to resist the will of the many. But when we look to the objects of each party, the analogy to our own

politics seems to be lost, if not actually reversed; the French appear to have used their democratic arms for conservative purposes, rather than those of liberal and enlightened movement; and the sympathies of the friends of reform are naturally enlisted on the side of sound amelioration, which the English minority in vain attempted to introduce into the antiquated laws of the Province.

Yet even on the questions which had been most recently the prominent matters of dispute between the two parties, it is difficult to believe that the hostility of the races was the effect, and not the cause, of the pertinacity with which the desired reforms were pressed or resisted.

The English complained of the Assembly's refusal to establish registry offices, and to commute the feudal tenures; and yet it was among the ablest and most influential leaders of the English that I found some of the opponents of both the proposed reforms. The leaders of the French were anxious to disclaim any hostility to these reforms themselves. Many of them represented the reluctance which the Assembly had exhibited to entertain these questions, as a result of the extraordinary influence which Mr. Papineau exercised over that body; his opposition was accounted for by some peculiar prejudices of education and professional practice, in which he was said to find little concurrence among his countrymen; it was stated that even his influence would not have prevented these questions from being very favourably entertained by the Assembly, had it ever met again; and I received assurances of a friendly disposition towards them, which I must say were very much at variance with the reluctance which the leading men of the party shewed to any co-operation with me in the attempts which I subsequently made to carry these very objects into effect. At the same time, while the leading men of the French party thus rendered themselves liable to the imputation of a timid or narrow-minded opposition to these improvements, the mass of the French population, who are immediate sufferers by the abuses of the seigniorial system, exhibited, in every possible shape, their hostility to the state of things which their leaders had so obstinately maintained. There is every reason to believe that a great number of the peasants who fought at St. Denis and St. Charles, imagined that the principal result of success would be the overthrow of tithes and feudal burthens; and in the declaration of indepenence, which Dr. Robert Nelson issued, two of the objects of the insurrection were stated to be the abolition of fedual tenures, and the establishment of registry offices.* When I observe these inconsistencies of conduct among the opponents and supporters of these reforms; when I consider that their attainment was prevented by means of the *censitaires*, the very persons most interested in their success, and that they were not more eagerly demanded by the wealthier of the English, than by the artisans and labourers of that race whose individual interests would hardly have derived much direct benefit from their success, I cannot but think that many, both of the supporters and of the opponents, cared less for the measures themselves, than for the handle which the agitation of them gave to their

* Among the few petitions, except those of mere compliment, which I received from French Canadians, were three or four for the abolition and commutation of the feudal tenures. But the most remarkable was one which was presented from the inhabitants of the county of Saguenay, and supported by Mr. Charles Drolet, late M. P. P. for that county. The petitioners, who represented themselves as suffering under a degree of distress, of which the existence is too deplorably certain, prayed to be allowed to settle on the wild lands at the head of the Saguenay. They expressed their willingness to take the lands on any conditions which the Government might propose, but they prayed that it should not be granted on the fedual tenure.

national hostility; that the Assembly resisted these changes chiefly because the English desired them; and that the eagerness with which many of the English urged them was stimulated by finding them opposed by the French.

Nor did I find the spirit which animated each party at all more coincident with the representations current in this country, than their objects appeared, when tried by English, or, rather, by European ideas of reforming legislation. An utterly uneducated and singularly inert population, implicitly obeying leaders who ruled them by the influence of a blind confidence and narrow national prejudices, accorded very little with the resemblance which had been discovered to that high-spirited democracy which effected the American Revolution. Still less could I discover in the English population those slavish tools of a narrow official clique, or a few purse-proud merchants, which their opponents had described them as being. I have found the main body of the English population, consisting of hardy farmers and humble mechanics, composing a very independent, not very manageable, and sometimes, a rather turbulent democracy. Though constantly professing a somewhat extravagant loyalty and high prerogative doctrines, I found them very determined on maintaining, in their own persons, a great respect for popular rights, and singularly ready to enforce their wishes by the strongest means of constitutional pressure on the government. Between them and the Canadians I found the strongest hostility; and that hostility was, as might be expected, most strongly developed among the humblest and rudest of the body. Between them and the small knot of officials, whose influence has been represented as so formidable, I found no sympathy whatever; and it must be said, in justice to this body of officials, who have been so much assailed as the enemies of the Canadian people, that however little I can excuse the injurious influence of that system of administration, which they were called upon to carry into execution, the members of the oldest and most powerful official families were, of all the English in the country, those in whom I generally found most sympathy with, and kindly feeling towards, the French population. I could not therefore believe that this animosity was only that subsisting between an official oligarchy and a people; and again, I was brought to a conviction that the contest, which had been represented as a contest of classes, was in in fact, a contest of races.

However unwilling we may be to attribute the disorders of a country connected with us to a cause so fatal to its tranquillity, and one which it seems so difficult to remove, no very long or laboured consideration of the relative characters and position of these races is needed, for convincing us of their invincible hostility towards each other. It is scarcely possible to conceive descendants of any of the great European nations more unlike each other in character and temperament, more totally separated from each other by language, laws, and modes of life, or placed in circumstances more calculated to produce mutual misunderstanding, jealousy and hatred. To conceive the incompatibility of the two races in Canada, it is not enough that we should picture to ourselves a community composed of equal proportions of French and English. We must bear in mind what kind of French and English they are that are brought in contact, and in what proportions they meet.

The institutions of France, during the period of the colonization of Canada, were, perhaps, more than those of any other European nation, cal-

culated to repress the intilligence and freedom of the great mass of the people. These institutions followed the Canadian colonist across the atlantic. The same central, ill-organized, unimproving and repressive despotism, extended over him. Not merely was he allowed no voice in the government of his Province, or the choice of his rulers, but he was not even permitted to associate with his neighbours for the regulation of those municipal affairs, which the central authority neglected under the pretext of managing. He obtained his land on a tenure singularly calculated to promote his immediate comfort, and to check his desire to better his condition: he was placed at once in a life of constant and unvarying labour, of great material comfort, and fedual dependence. The ecclesiastical authority to which he had been accustomed, established its institutions around him, and the priest continued to exercise over him his ancient influence. No general provision was made for education; and, as its necessity was not appreciated, the colonist made no attempt to repair the negligence of his government. It need not surprise us that, under such circumstances, a race of men habituated to the incessant labour of a rude and unskilled agriculture, and habitually fond of social enjoyments, congregated together in rural communities, occupying portions of the wholly unappropriated soil, sufficient to provide each family with material comforts, far beyond their ancient means, or almost their conceptions; that they made little advance beyond the first progress in comfort, which the bounty of the soil absolutely forced upon them; that under the same institutions they remained the same uninstructed, inactive, unprogressive people. Along the alluvial banks of the St. Lawrence, and its tributaries, they have cleared two or three strips of land, cultivated them in the worst method of small farming, and established a series of continuous villages, which give the country of the seigniories the appearance of a never-ending street. Besides the cities which were the seats of government, no towns were established; the rude manufactures of the country were, and still are, carried on in the cottage by the family of the *habitant*; and an insignificant proportion of the population derived their subsistence from the scarcely discernible commerce of the province. Whatever energy existed among the population was employed in the fur trade, and the occupations of hunting, which they and their descendants have carried beyond the Rocky Mountains, and still, in great measure, monopolise in the whole valley of the Mississippi. The mass of the community exhibited in the New World the characteristics of the peasantry of Europe. Society was dense; and even the wants and the poverty which the pressure of population occasions in the Old World, became not to be wholly unknown. They clung to ancient prejudices, ancient customs and ancient laws, not from any strong sense of their beneficial effects, but with the unreasoning tenacity of an uneducated and unprogressive people. Nor were they wanting in the virtues of a simple and industrious life, or in those which common consent attributes to the nation from which they spring. The temptations which, in other states of society, lead to offences against property, and the passions which prompt to violence, were little known among them. They are mild and kindly, frugal, industrious and honest, very sociable, cheerful and hospitable, and distinguished for a courtesy and real politeness which pervades every class of society. The conquest has changed them but little. The higher classes, and the inhabitants of the towns, have adopted some English customs and feelings; but the continued negligence of the British government left the mass of the people without any of the institutions which would have elevated them in

freedom and civilization. It has left them without the education and without the institutions of local self-government, that would have assimilated their character and habits, in the easiest and best way, to those of the Empire of which they became a part. They remain an old and stationary society, in a new and progressive world. In all essentials they are still French; but French in every respect dissimilar to those of France in the present day. They resemble rather the French of the provinces under the old regime.

I cannot pass over this subject without calling particular attention to a peculiarity in the social condition of this people, of which the important bearing on the troubles of Lower Canada has never, in my opinion, been properly estimated. The circumstances of a new and unsettled country, the operation of the French laws of inheritance, and the absence of any means of accumulation, by commerce or manufactures, have produced a remarkable equality of properties and conditions. A few seignorial families possess large, though not often very valuable properties; the class entirely dependent on wages is very small; the bulk of the population is composed of the hard-working yeomanry of the country districts, commonly called *habitants*, and their connections, engaged in other occupations. It is impossible to exaggerate the want of education among the *habitants;* no means of instruction have ever been provided for them, and they are almost universally destitute of the qualifications even of reading and writing. It came to my knowledge that out of a great number of boys and girls assembled at the school-house door of St. Thomas, all but three admitted, on inquiry, that they could not read. Yet the children of this large parish, attend school regularly, and actually make use of books. They hold the catechism book in their hand, as if they were reading, while they only repeat its contents, which they know by rote. The common assertion, however, that all classes of the Canadians are equally ignorant, is perfectly erroneous: for I know of no people among whom a larger provision exists for the higher kinds of elementary education, or among whom such education is really extended to a larger proportion of the population. The piety and benevolence of the early possessors of the country founded, in the seminaries that exist in different parts of the Province, institutions, of which the funds and activity have long been directed to the promotion of education. Seminaries and colleges have been, by these bodies, established in the cities and in other central points. The education given in these establishments greatly resembles the kind given in the English public schools, though it is rather more varied. It is entirely in the hands of the Catholic Clergy. The number of pupils in these establishments is estimated altogether at about a thousand; and they turn out every year, as far as I could ascertain, between two and three huudred young men thus educated. Almost all of these are members of the family of some habitant, whom the possession of greater quickness than his brothers has induced the father or the Curate of the parish to select and send to the seminary. These young men possessing a degree of information immeasurably superior to that of their families, are naturally averse to what they regard as descending to the humble occupations of their parents. A few become Priests; but as the Military and Naval professions are closed against the Colonist, the greater part can only find a position suited to their notions of their own qualifications, in the learned professions of Advocate, Notary, and Surgeon. As from this cause these professions are greatly overstocked, we find every village in Lower Canada filled with Notaries and Sur-

geons, with little practice to occupy their attention, and living among their own families, or at any rate among exactly the same class. Thus the persons of most education in every village belong to the same families, and the same original station in life, as the illiterate habitans whom I have described. They are connected with them by all the associations of early youth, and the ties of blood. The most perfect equality always marks their intercourse, and the superior in education is separated by no barrier of manners, or pride, or distinct interests, from the singularly ignorant peasantry by which he is surrounded. He combines, therefore, the influences of superior knowledge and social equality, and wields a power over the mass, which I do not believe that the educated class of any other portion of the world possess. To this singular state of things I attribute the extraordinary influence of the Canadian demagogues.—The most uninstructed population anywhere trusted with political power is thus placed in the hands of a small body of instructed persons, in whom it reposes the confidence which nothing but such domestic connexion and such community of interest could generate. Over the class of persons by whom the peasantry are thus led, the government has not acquired, or ever laboured to acquire, influence. Its members have been thrown into opposition by the system of exclusion long prevalent in the colony, and it is by their agency that the leaders of the assembly have been enabled hitherto to move as one mass in whatever direction they thought proper, the simple and ductile population of the country. The entire neglect of education by the government has thus, more than any other cause, contributed to render this people ungovernable, and to invest the agitator with the power which he wields against the laws and the public tranquillity.

Among this people the progress of emigration has of late years introduced an English population, exhibiting the characteristics with which we are familiar, as those of the most enterprising of every class of our countrymen. The circumstances of the early Colonial Administration excluded the native Canadian from power, and vested all offices of trust and emolument in the hands of strangers of English origin. The highest posts in the law were confided to the same class of persons. The functionaries of the Civil Government, together with the Officers of the Army, composed a kind of privileged class, occupying the first place in the community, and excluding the higher class of the natives from society, as well as from the Government of their own Country. It was not till within a very few years, as was testified by persons who had seen much of the country, that this society of civil and military functionaries ceased to exhibit towards the higher order of Canadians an exclusiveness of demeanour, which was more revolting to a sensitive and polite people than the monopoly of power and profit; nor was this national favouritism discontinued, until after repeated complaints and an angry contest, which had excited passions that concession could not allay. The races had become enemies, ere a tardy justice was extorted; and even then, the Government discovered a mode of distributing its patronage among the Canadians, which was quite as offensive to that people as their previous exclusion.

It was not long after the Conquest, that another and larger class of English settlers began to enter the Province. English capital was attracted to Canada, by the vast quantity and valuable nature of the exportable produce of the country, and the great facilities for commerce, presented by the natural means of internal intercourse. The ancient trade of the country was conducted on a much larger and more profitable scale; and

new branches of industry were explored. The active and regular habits of the English capitalist drove out of all the more profitable kinds of industry their inert and carelesss competitors of the French race; but in respect of the greater part (almost the whole) of the commerce and manufactures of the country, the English cannot be said to have encroached on the French; for, in fact, they created employments and profits which had not previously existed. A few of the ancient race smarted under the loss occasioned by the success of English competition: but all felt yet more acutely, the gradual increase of a class of strangers, in whose hands the wealth of the country appeared to centre—and whose expenditure and influence eclipsed those of the class which had previously occupied the first position in the country. Nor was the intrusion of the English limited to commercial enterprizes. By degrees, large portions of land were occupied by them: nor did they confine themselves to the unsettled and distant country of the Townships. The wealthy capitalist invested his money in the purchase of Seigniorial properties—and it is estimated, that at the present moment, full half of the more valuable Seigniories are actually owned by English proprietors. The Seigniorial tenure is one so little adapted to our notions of proprietary rights, that the new Seigneur, without consciousness or intention of injustice, in many instances exercised his rights in a manner which would appear perfectly fair in this country, but which the Canadian settler reasonably regarded as oppressive. The English purchaser found an equally unexpected and just cause of complaint in that uncertainty of the laws, which rendered his possession of property precarious, and in those incidents of the tenure which rendered its alienation or improvement difficult. But an irritation greater than that occasioned by the transfer of the large properties, was caused by the competition of the English with the French farmer. The English farmer carried with him the experience and habits of the most improved agriculture in the world. He settled himself in the Townships bordering on the Seigniories, and brought a fresh soil and improved cultivation to compete with the worn-out and slovenly farm of the *habitant*. He often took the very farm which the Canadian settler had abandoned, and by superior management, made that a source of profit which had only impoverished his predecessor. The ascendancy which an unjust favouritism had contributed to give to the English race in the Government and the legal profession, their own superior energy, skill and capital, secured to them in every branch of industry. They have developed the resources of the country—they have constructed or improved its means of communication—they have created its internal and foreign commerce. The entire wholesale, and a large portion of the retail trade of the Province, with the most profitable and flourishing farms, are now in the hands of this numerical minority of the population.

In Lower Canada, the mere working class which depends on wages, though proportionally large in comparison with that to be found in any other portion of the American Continent, is, according to our ideas, very small. Competition between persons of different origin in this class has not exhibited itself till very recently, and is, even now, almost confined to the cities. The large mass of the labouring population are French, in the employ of English capitalists. The more skilled class of artisans are generally English; but in the general run of the more laborious employments, the French Canadians fully hold their ground against English rivalry. The emigration which took place a few years ago, brought in a

class which entered into more direct competition with the French, in some kinds of employment, in the towns; but the individuals affected by this competition were not very many. I do not believe that the animosity which exists between the working classes of the two origins is the necessary result of a collision of interests, or of a jealousy of the superior success of English labour. But national prejudices naturally exercise the greatest influence over the most uneducated: the difference of language is less easily overcome—the difference of manners and customs less easily appreciated. The labourers, whom the emigration introduced, contained a number of very ignorant, turbulent, and demoralised persons, whose conduct and manners alike revolted the well-ordered and courteous natives of the same class. The working-men naturally ranged themselves on the side of the educated and wealthy of their own countrymen. When once engaged in the conflict, their passions were less restrained by education and prudence—and the national hostility now rages most fiercely between those whose interests in reality bring them the least in collision.

The two races, thus distinct, have been brought into the same community, under circumstances which rendered their contact inevitably productive of collision. The difference of language, from the first, kept them asunder. It is not anywhere a virtue of the English race to look with complacency on any manners, customs or laws, which appear strange to them; accustomed to form a high estimate of their own superiority, they take no pains to conceal from others their contempt and intolerance of their usages. They found the French Canadians filled with an equal amount of national pride: a sensitive, but inactive pride, which disposes that people not to resent insult, but rather to keep aloof from those who would keep them under. The French could not but feel the superiority of English enterprise; they could not shut their eyes to their success in every undertaking in which they came into contact, and to the constant superiority which they were acquiring. They looked upon their rivals with alarm—with jealousy—and finally with hatred. The English repaid them with a scorn, which soon also assumed the same form of hatred. The French complained of the arrogance and injustice of the English; the English accused the French of the vices of a weak and conquered people, and charged them with meanness and perfidy. The entire mistrust which the two races have thus learned to conceive of each other's intentions, induces them to put the worst construction on the most innocent conduct—to judge every word, every act, and every intention unfairly—to attribute the most odious designs, and reject every overture of kindness or fairness, as covering secret designs of treachery and malignity.

Religion formed no bond of intercourse and union. It is, indeed, an admirable feature of Canadian society, that it is entirely devoid of any religious dissensions. Sectarian intolerance is not merely not avowed, but it hardly seems to influence men's feelings. But though the prudence and liberality of both parties has prevented this fruitful source of animosity from embittering their quarrels, the difference of religion has in fact tended to keep them asunder. Their Priests have been distinct—they have not met even in the same Church.

No common education has served to remove and soften the differences of origin and language. The associations of youth—the sports of childhood—and the studies by which the character of manhood is modified, are distinct and totally different. In Montreal and Quebec, there are English schools and French schools; the children in these are accustomed to

fight nation against nation—and the quarrels that arise among boys in the streets, usually exhibit a division into English on one side, and French on the other.

As they are taught apart, so are their studies different. The literature with which each is the most conversant, is that of the peculiar language of each; and all the ideas which men derive from books, come to each of them from perfectly different sources. The difference of language in this respect produces effects quite apart from those which it has on the mere intercourse of the two races. Those who have reflected on the powerful influence of language on thought, will perceive in how different a manner people who speak in different languages are apt to think; and those who are familiar with the literature of France, know that the same opinion will be expressed by an English and French writer of the present day, not merely in different words, but in a style so different as to mark utterly different habits of thought. This difference is very striking in Lower Canada: it exists, not merely in the books of most influence and repute, which are, of course, those of the great writers of France and England, and by which the minds of the respective races are formed, but it is observable in the writings which now issue from the Colonial press. The articles in the newspapers of each race, are written in a style as widely different as those of France and England at present—and the arguments which convince the one, are calculated to appear utterly unintelligible to the other.

The difference of language produces misconceptions yet more fatal even than those which it occasions with respect to opinions: it aggravates the national animosities, by representing all the events of the day in utterly different lights. The political misrepresentation of facts is one of the incidents of a free press in every free country; but in nations in which all speak the same language, those who receive a misrepresentation from one side, have generally some means of learning the truth from the other. In Lower Canada, however, where the French and English papers represent adverse opinions, and where no large portion of the community can read both languages with ease, those who receive the misrepresentation are rarely able to avail themselves of the means of correction. It is difficult to conceive the perversity with which misrepresentations are habitually made, and the gross delusions which find currency among the people; they thus live in a world of misconceptions—in which each party is set against the other, not only by diversity of feelings and opinions, but by an actual belief in an utterly different set of facts.

The differences thus early occasioned by education and language, are in nowise softened by the intercourse of after-life: their business and occupations do not bring the two races into friendly contact and co-operation, but only present them to each other in occasional rivalry. A laudable emulation has of late induced the French to enter on the field previously occupied by the English, and to attempt to compete with them in commerce; but it is much to be lamented, that this did not commence until the national animosities had arrived almost at the highest pitch—and that the competition has been carried on in such a manner as to widen the pre existing differences. The establishment of the "Banque du Peuple," by French capitalists, is an event which may be regarded as a satisfactory indication of an awakening commercial energy among the French; and it is, therefore, very much to be regretted, that the success of the new

enterprise was uniformly promoted, by direct and illiberal appeals to the national feeelings of the race. Some of the French have lately established Steam-boats, to compete with the monopoly which a combination of English capitalists had for some time enjoyed on the St. Lawrence; and small and somewhat uncomfortable as they were, they were regarded with favour on account of their superiority in the essential qualities of certainty and celerity. But this was not considered sufficient to insure their success; an appeal was constantly made to the national feelings of the French for an exclusive preference of the "French" line, and I have known a French newspaper announce with satisfaction the fact, that on the previday the French steamers to Quebec and LaPrairie had arrived at Montreal with a great many passengers, and the English with very few. The English, on the other hand, appealed to exactly the same kind of feelings, and used to apply to the French steamboats the epithets of "Radical," "Rebel," and "Disloyal." The introduction of this kind of national preference into this department of business, produced a particularly mischievous effect, inasmuch as it separated the two races on some of the few occasions on which they had been previously thrown into each other's society. They rarely meet at the inns in the cities; the principal hotels are almost exclusively filled with English, and with foreign travellers; and the French are, for the most part, received at each other's houses, or in boarding-houses, in which they meet with few English.

Nor do their amusements bring them more in contact. Social intercourse never existed between the two races in any but the higher classes, and it is now almost destroyed. I heard of but one house in Quebec, in which both races met on pretty equal and amicable terms—and this was mentioned as a singular instance of good sense on the part of the gentleman to whom it belongs. At the commencement of Lord Aylmer's Administration, an entertainment was given to His Lordship by Mr. Papineau, the Speaker of the House of Assembly. It was generally understood to be intended as a mark of confidence and good-will towards the Governor, and of a conciliatory disposition. It was given on a very large scale: a very great number of persons were present—and of that number, I was informed by a gentleman who was present, that he and one other were the only English, except the Governor and his Suite. Indeed, the difference of manners in the two races, renders a general social intercourse almost impossible.

A singular instance of national incompatability was brought before my notice, in an attempt which I made to promote an undertaking, in which the French were said to take a great deal of interest. I accepted the office of President of the Agricultural Association of the District of Quebec, and attended the Show previous to the distribution of the prizes. I then found that the French farmers would not compete, even on this neutral ground, with the English. Distinct prizes were given, in almost every department, to the two races; and the national ploughing matches were carried on in separate and distant fields.

While such is their social intercourse, it is not to be expected that the animosities of the two races can frequently be softened by the formation of domestic connexions. During the first period of the possession of the Colony by the English, intermarriages of the two races were by no means uncommon. But they are now very rare: and where such unions occur, they are generally formed with members of the French families, which I have described as politically, and almost nationally, separated from the bulk of their own race.

I could mention various slight features in the state of society, which show the all-pervading and marked division of the races; but nothing, (though it will sound paradoxical,) really proves their entire separation so much as the rarity, nay, almost total absence, of personal encounters between the two races. Disputes of this kind are almost confined to the ruder order of people, and seldom proceed to acts of violence. As respects the other classes, social intercourse between the two races is so limited, that the more prominent or excitable antagonists never meet in the same room. It came to my knowledge that a gentleman, who was for some years a most active and determined leader amongst the English population, had never once been under a private roof with French Canadians of his own rank in life, until he met some at table, on the invitation of persons attached to my mission, who were in the habit of associating indifferently with French and English. There are, therefore, no political personal controversies. The ordinary occasions of collision never occur: and men must quarrel so publicly or so deliberately, that prudence restrains them from commencing, individually, what would probably end in a general and bloody conflict of numbers. Their mutual fears restrain personal disputes and riots, even among the lower orders: the French know and dread the superior physical strength of the English in the cities—and the English in those places refrain from exhibiting their power, from fear of the revenge that might be taken on their countrymen, who are scattered over the rural parishes.

This feeling of mutual forbearance extends so far as to produce an apparent calm, with respect to public matters, which is calculated to perplex a stranger, who has heard much of the animosities of the Province. No trace of them appears in public meetings; and these take place in every direction, in the most excited periods, and go off without disturbance, and almost without dissent. The fact is, that both parties have come to a tacit understanding, not in any way to interfere with each other on these occasions—each party knowing that it would always be in the power of the other to prevent its meetings. The British party, consequently, have their meetings; the French theirs; and neither disturb the other. The complimentary Addresses which I received on various occasions, marked the same entire separation—even in a matter in which it might be supposed that party feeling would not be felt, or would, from mere prudence and propriety, be concealed. I had, from the same places, French and English Addresses; and I never found the two races uniting, except in a few cases, where I met with the names of two or three isolated members of one origin, who happened to dwell in a community almost entirely composed of the other. The two parties combine for no public object—they cannot harmonise even in associations of charity. The only public occasion on which they ever meet is in the Jury-box—and they meet there only to the utter obstruction of Justice.

The hostility which thus pervades society, was some time growing before it became of prominent importance in the politics of the Province. It was inevitable, that such social feelings must end in a deadly political strife. The French regarded with jealousy the influence, in politics, of a daily increasing body of the strangers, whom they so much disliked and dreaded; the wealthy English were offended at finding, that their property gave them no influence over their French dependents, who were acting under the guidance of leaders of their own race; and the farmers and traders of the same race were not long before they began to bear

with impatiance their utter political nullity in the midst of the majority of a population, whose ignorance they contemned, and whose political views and conduct seemed utterly at variance with their own notions of the principles and practice of self-government. The superior political and practical intelligence of the English, cannot be for a moment disputed. The great mass of the Canadian population, who cannot read or write, and have found in few of the institutions of their country, even the elements of political education, were obviously inferior to the English settlers, of whom a large proportion had received a considerable amount of education, and had been trained in their own country to take a part in public business of one kind or another. With respect to the more educated classes, the superiority is not so general or apparent; indeed, from all the information that I could collect, I incline to think, that the greater amount of refinement—of speculative thought—and of the knowledge that books can give—is, with some brilliant exceptions, to be found among the French. But I have no hesitation in stating, even more decidedly, that the circumstances in which the English have been placed in Lower Canada, acting on their original political education, have endowed the leaders of that population with much of that practical sagacity, tact and energy, in politics, in which, I must say, that the bad institutions of the Colony have, in my opinion, rendered the leaders of the French deplorably deficient. That a race, which felt itself thus superior in political activity and intelligence, should submit with patience to the rule of a majority which it could not respect, was impossible. At what time and from what particular cause the hostility between such a majority and such a minority, which was sure sooner or later to break out, actually became of paramount importance, it is difficult to say. The hostility between the Assembly and the British Government, had long given a tendency to attacks, on the part of the popular leaders, on the nation to which that Government belonged. It is said that the appeals to the national pride and animosities of the French, became more direct and general on the occasion of the abortive attempt to re-unite Upper and Lower Canada in 1822, which the leaders of the Assembly viewed or represented as a blow aimed at the institutions of their Province. The anger of the English was excited by the denunciations of themselves, which, subsequently to this period, they were in the habit of hearing. They had possibly some little sympathy with the members of the Provincial Government of their own race; and their feelings were, probably, yet more strongly excited in favour of the connexion of the Colony with Great Britain, which the proceedings of the Assembly appeared to endanger. But the abuses existing under the Provincial Government, gave such inducements to remain in opposition to it, that the Representatives of each race continued for a long time to act together against it.—And as the bulk of the English population in the Townships, and on the Ottawa, were brought into very little personal contact with the French, I am inclined to think that it might have been some time longer, ere the disputes of origin would have assumed an importance paramount to all others, had not the Assembly come into collision with the whole English population, by its policy with respect to internal improvements, and to the old and defective laws, which operated as a bar to the alienation of land, and to the formation of Associations for commercial purposes.

The English population, an immigrant and enterprising population, looked on the American provinces as a vast field for settlement and speculation, and in the common spirit of the Anglo-Saxon inhabitants of that

continent, regarded it as the chief business of the government, to promote, by all possible use of its legislative and administrative powers, the increase of population and the accumulation of property; they found the laws of real property exceedingly adverse to the easy alienation of land, which is, in a new country, absolutely essential to its settlement and improvement; they found the greatest deficiency in the internal communications of the country, and the utter want of local self-government rendered it necessary for them to apply to the Assembly for every road or bridge, or other public work that was needed; they wished to form themselves into companies for the establishment of banks, and the construction of railroads and canals, and to obtain the powers necessary for the completion of such works with funds of their own.—And as the first requisite for the improvement of the country, they desired that a large proportion of the revenue should be applied to the completion of that great series of public works by which it was proposed to render the St. Lawrence and the Ottawa navigable throughout their whole extent.

Without going so far as to accuse the Assembly of a deliberate design to check the settlement and improvement of Lower Canada, it cannot be denied that they looked with considerable jealousy and dislike on the increase and prosperity of what they regarded as a foreign and hostile race; they looked on the province as the patrimony of their own race; they viewed it not as a country to be settled, but as one already settled; and instead of legislating in the American spirit, and first providing for the future population of the province, their primary care was, in the spirit of legislation which prevails in the Old World, to guard the interests and feelings of the present race of inhabitants, to whom they considered the new comers as subordinate; they refused to increase the burthens of the country by imposing taxes to meet the expenditure required for improvement, and they also refused to direct to that object any of the funds previously devoted to other purposes. The improvement of the harbour of Montreal was suspended, from a political antipathy to a leading English merchant who had been the most active of the commissioners, and by whom it had been conducted with the most admirable success. It is but just to say that some of the works which the Assembly authorised and encouraged were undertaken on a scale of due moderation, and satisfactorily perfected and brought into operation. Others, especially the great communications which I have mentioned above, the Assembly showed a great reluctance to promote or even to permit. It is true that there was considerable foundation for their objections to the plan on which the Legislature of Upper Canada had commenced some of these works, and to the mode in which it had carried them on; but the English complained that instead of profiting by the experience which they might have derived from this source, the Assembly seemed only to make its objections a pretext for doing nothing. The applications for banks, railroads, and canals, were laid on one side until some general measures could be adopted with regard to such undertakings; but the general measures thus promised were never passed, and the particular enterprises in question were prevented. The adoption of a registry was refused on the alleged ground of its inconsistency with the French institutions of the Province, and no measure to attain this desirable end, in a less obnoxious mode, was prepared by the leaders of the Assembly. The feudal tenure was supported, as a mild and just provision for the settlement of a new country; a kind of assurance given by a committee of the Assembly, that some steps

should be taken to remove the most injurious incidents of the seignorial tenure, produced no practical results; and the enterprises of the English were still thwarted by the obnoxious laws of the country. In all these decisions of the Assembly, in its discussions, and in the apparent motives of its conduct, the English population perceived traces of a desire to repress the influx and the success of their race. A measure for imposing a tax on Emigrants, though recommended by the Home Government, and warranted by the policy of those neighbouring states, which give the greatest encouragement to immigration, was argued on such grounds in the Assembly that it was not unjustly regarded as indicative of an intention to exclude any further accession to the English population; and the industry of the English was thus retarded by this conduct of the Assembly. Some districts, particularly that of the eastern townships, where the French race has no footing, were seriously injured by the refusal of necessary improvements; and the English inhabitants generally regarded the policy of the Assembly as a plan for preventing any further emigration to the Province, of stopping the growth of English wealth, and of rendering precarious the English property already invested or acquired in Lower Canada.

The Assembly of which they thus complained, and of which they entertained apprehensions so serious, was at the same time in collision with the executive government. The party in power, and which, by means of the Legislative Council, kept the Assembly in check, gladly availed itself of the discontents of this powerful and energetic minority, offered it its protection, and undertook the furtherance of its views; and thus was cemented the singular alliance between the English population and the colonial officials, who combined from perfectly different motives, and with perfectly different objects, against a common enemy. The English desired reform and liberal measures from the Assembly, which refused them, while it was urging other reforms and demanding other liberal measures from the executive government. The Assembly complained of the oppressive use of the power of the executive; the English complained that they, a minority, suffered under the oppressive use to which power was turned by the French majority. Thus a bold and intelligent democracy was impelled, by its impatience for liberal measures, joined to its national antipathies, to make common cause with a government which was at issue with the majority on the question of popular rights. The actual conflict commenced by a collision between the executive and the French majority; and, as the English population rallied round the government, supported its pretensions, and designated themselves by the appellation of "loyal," the causes of the quarrel were naturally supposed to be much more simple than they really were; and the extent of the division which existed among the inhabitants of Lower Canada, the number and nature of the combatants arrayed on each side, and the irremediable nature of the dispute, were concealed from the public view.

The treasonable attempt of the French party to carry its political objects into effect by an appeal to arms, brought these hostile races into general and armed collision. I will not dwell on the melancholy scenes exhibited in the progress of the contest, or the fierce passions which held an unchecked sway during the insurrection, or immediately after its suppression. It is not difficult to conceive how greatly the evils, which I have described as previously existing, have been aggravated by the war; how terror and revenge nourished, in each portion of the population, a

bitter and irreconcileable hatred to each other, and to the institutions of the country. The French population, who had for some time exercised a great and increasing power through the medium of the House of Assembly, found their hopes unexpectedly prostrated in the dust. The physical force which they had vaunted was called into action, and proved to be utterly inefficient. The hope of recovering their previous ascendancy under a constitution similar to that suspended almost ceased to exist. Removed from all actual share in the government of the country, they brood in silence over the memory of their fallen countrymen, of their burnt villages, of their ruined property, of their extinguished ascendancy, and of their humbled nationality. To the government and the English they ascribe these wrongs, and nourish against both an indiscriminating and eternal animosity. Nor have the English inhabitants forgotten in their triumph the terror with which they suddenly saw themselves surrounded by an insurgent majority, and the incidents which alone appeared to save them from the unchecked domination of the antagonists. They find themselves still a minority in the midst of a hostile and organized people; apprehensions of secret conspiracies and sanguinary designs haunt them unceasingly, and their only hope of safety is supposed to rest on systematically terrifying and disabling the French, and in preventing a majority of that race from ever again being predominant in any portion of the Legislature of that Province. I describe in strong terms the feelings which appear to me to animate each portion of the population; and the picture which I draw represents a state of things so little familiar to the personal experience of the people of this country, that many will probably regard it as the work of mere imagination; but I feel confident that the accuracy and moderation of my description will be acknowledged by all who have seen the state of society in Lower Canada during the last year. Nor do I exaggerate the inevitable constancy any more than the intensity of this animosity. Never again will the present generation of French Canadians yield a loyal submission to a British government; never again will the English population tolerate the authority of a House of Assembly in which the French shall possess or even approximate to a majority.

Nor is it simply the working of representative government which is placed out of question by the present disposition of the two races; every institution which requires for its efficiency a confidence in the mass of the people, or co-operation between its classes, is practically in abeyance in Lower Canada. The militia, on which the main defence of the Province against external enemies, and the discharge of many of the functions of internal police have hitherto depended, is completely disorganized. A muster of that force would, in some districts, be the occasion for quarrels between the races, and in the greater part of the country the attempting to arm or employ it would be merely arming the enemies of the government. The course of justice is entirely obstructed by the same cause; a just decision in any political case is not to be relied upon; even the judicial bench is, in the opinion of both races, divided into two hostile sections of French and English, from neither of whom is justice expected by the mass of the hostile party. The partiality of grand and petty juries is a matter of certainty; each race relies on the vote of its countrymen to save it harmless from the law, and the mode of challenging allows of such an exclusion of the hostile party, that the French offender may make sure of, and the English hope for a favourable jury, and a consequent acquittal.

This state of things, and the consequent impunity of political offences, are distinctly admitted by both sides. The trial of the murderers of Chartrand has placed this disposition of the French jurors in a most glaring light; the notes of the Chief Justice in this case were transmitted by me to the Secretary of State; and a perusal of them will satisfy every candid and well-ordered mind that a base and cruel assassination, committed without a single circumstance of provocation or palliation, was brought home by evidence which no man ever pretended to doubt, against the prisoners, whom the jury nevertheless acquitted. The duty of giving this dishonest verdict had been most assiduously and shamefully inculcated by the French press before the trial came on; the jurors are said to have been kept for some time previous in the hands of zealous partisans, whose business it was not only to influence their inclination, but to stimulate their courage; the array of the leaders of the party who were present at the trial was supposed to be collected for the same purpose; and it is notorious that the acquittal was celebrated at public entertainments, to which the jurors were invited in order that they might be thanked for their verdict.

But the influence of this animosity does not obstruct the course of justice in political cases alone. An example of obstruction of ordinary criminal justice lately occurred at Quebec. A person had been, during a previous term, indicted and tried for some offence seriously affecting his moral character. The charge had been supported by a witness whom the jury considered perjured, and the accused had been acquitted. Having reason to believe that the witness had been instigated by a neighbour, the acquitted person indicted this neighbour for subornation of perjury, and brought the witness, who had formerly appeared against himself, to prove the falsehood of his previous evidence, and the fact of his subornation.—The proof of subornation appears to have rested, in some particulars, too much on the unsupported evidence of this witness; the jury differed in opinion, one portion of them believing the guilt of the accused to be on the whole satisfactorily established, the other refusing to believe that part of the case which depended solely on the evidence of a man who came into court to swear to the fact of his own previous perjury. This was a difference of opinion which might naturally divide a jury; but as all the parties were French, and as there is nothing in the circumstances which marks this as a case in which feelings of politics or origin could be supposed to operate, it will, I imagine, appear singular that the jury, being composed nearly equally of French and English, all the French were on one side, all the English on the other. After long discussion the jury came into court, and declared their inability to agree; and the foreman, on being told by the Judge that they must agree, answered, that they were an equal number of French and English, and consequently never could agree. In the end they did not, and after being locked up for twelve hours, they were discharged without giving a verdict; so that even in a case in which no question of party or of race is concerned, the animosity of the races, nevertheless, appears to present an insurmountable barrier to the impartial administration of justice.

In such a state of feelings the course of civil government is hopelessly suspended. No confidence can be felt in the stability of any existing institution, or the security of person and property. It cannot occasion surprise that this state of things should have destroyed the tranquillity and happiness of families, that it should have depreciated the value of property,

and that it should have arrested the improvement and settlement of the country. The alarming decline of the value of landed property was attested to me by some of the principal proprietors of the Province. The continual and progressive decrease of the revenue, though in some degree attributable to other causes, indicates a diminution of the wealth of the country. The staple export trade of the Province, the timber trade, has not suffered; but instead of exporting grain, the Province is now obliged to import for its own consumption. The influx of emigrants, once so considerable, has very greatly diminished. In 1832, the number of emigrants who landed at the port of Quebec, amounted to 52,000; in 1837, it had fallen to a few more than 22,000; and in 1838, it did not amount to 5,000. Insecurity begins to be so strongly felt by the loyal inhabitants of the Seigniories, that many of them are compelled, by fear or necessity, to quit their occupations, and seek refuge in the cities. If the present state of things continue, the most enterprising and wealthy capitalists of the Province will thus, in a short time, be driven from the seats of their present industry.

Nor does there appear to be the slightest chance of putting an end to this animosity during the present generation. Passions inflamed during so long a period cannot speedily be calmed. The state of education which I have previously described as placing the peasantry entirely at the mercy of agitators, the total absence of any class of persons, or any organization of authority that could counteract this mischievous influence, and the serious decline in the district of Montreal of the influence of the clergy, concur in rendering it absolutely impossible for the Government to produce any better state of feeling among the French population. It is even impossible to impress on a people so circumstanced the salutary dread of the power of Great Britain, which the presence of a large military force in the Province might be expected to produce. I have been informed by witnesses so numerous and so trustworthy, that I cannot doubt the correctness of their statements, that the peasantry were generally ignorant of the large amount of force which was sent into their country last year. The newspapers that circulate among them had informed them that Great Britain had no troops to send out; that in order to produce an impression on the minds of the country people, the same regiments were marched backwards and forwards in different directions, and represented as additional arrivals from home. This explanation was promulgated among the people by the agitators of each village; and I have no doubt that the mass of the *habitants* really believed that the government was endeavouring to impose on them by this species of fraud. It is a population with whom authority has no means of contact or explanation. It is difficult even to ascertain what amount of influence the ancient leaders of the French party continue to possess. The name of Mr. Papineau is still cherished by the people; and the idea is current that, at the appointed time, he will return at the head of an immense army, and re-establish "La Nation Canadienne." But there is great reason to doubt whether his name be not used as a mere watchword; whether the people are not in fact running entirely counter to his counsels and policy; and whether they are not really under the guidance of separate petty agitators, who have no plan but that of a senseless and reckless determination to show in every way their hostility to the British government and English race. Their ultimate designs and hopes are equally unintelligible.—

Some vague expectation of absolute independence still seems to delude them. The national vanity, which is a remarkable ingredient in their character, induces many to flatter themselves with the idea of a Canadian republic; the sounder information of others has led them to perceive that a separation from Great Britain must be followed by a junction with the great confederation on their southern frontier. But they seem apparently reckless of the consequences, provided they can wreak their vengeance on the English. There is no people against which early associations and every conceivable difference of manners and opinions, have implanted in the Canadian mind a more ancient and rooted national antipathy than that which they feel against the people of the United States. Their more discerning leaders feel that their chances of preserving their nationality would be greatly diminished by an incorporation with the United States; and recent symptoms of anti-Catholic feeling in New England, well known to the Canadian population, have generated a very general belief that their religion, which even they do not accuse the British party of assailing, would find little favour or respect from their neighbours. Yet none even of these considerations weigh against their present all-absorbing hatred of the English; and I am persuaded that they would purchase vengeance and a momentary triumph, by the aid of any enemies, or submission to any yoke. This provisional but complete cessation of their ancient antipathy to the Americans is now admitted even by those who most strongly denied it during the last spring, and who then asserted that an American war would as completely unite the whole population against the common enemy as it did in 1813. My subsequent experience leaves no doubt in my mind that the views which were contained in my despatch of the 9th of August are perfectly correct; and that an invading American army might rely on the co-operation of almost the entire French population of Lower Canada.

In the despatch above referred to I also described the state of feeling among the English population, nor can I encourage a hope that that portion of the community is at all more inclined to any settlement of the present quarrel that would leave any share of power to the hostile race.—Circumstances having thrown the English into the ranks of the government, and the folly of their opponents having placed them, on the other hand, in a state of permanent collision with it, the former possess the advantage of having the force of government and the authority of the laws on their side in the present stage of the contest. Their exertions during the recent troubles have contributed to maintain the supremacy of the law and the continuance of the connection with Great Britain; but it would in my opinion be dangerous to rely on the continuance of such a state of feeling as now prevails among them, in the event of a different policy being adopted by the Imperial Government. Indeed the prevalent sentiment among them is one of anything but satisfaction with the course which has been long pursued with reference to Lower Canada by the British Legislature and Executive. The calmer view which distant spectators are enabled to take of the conduct of the two parties, and the disposition which is evinced to make a fair adjustment of the contending claims, appear iniquitous and injurious in the eyes of men who think that they alone have any claim to the favour of that government by which they alone have stood fast. They complain loudly and bitterly of the whole course pursued by the Imperial Government with respect to the quarrel of the two races, as having been founded on an utter ignorance

or disregard of the real question at issue, as having fostered the mischievous pretensions of French nationality, and as having by the vacillation and inconsistency which marked it, discouraged loyalty and fomented rebellion. Every measure of clemency or even justice towards their opponents they regard with jealousy, as indicating a disposition towards that conciliatory policy which is the subject of their angry recollection; for they feel that being a minority, any return to the due course of constitutional government would again subject them to a French majority; and to this I am persuaded they would never peaceably submit. They do not hesitate to say that they will not tolerate much longer the being made the sport of parties at home, and that if the mother country forget what is due to the loyal and enterprising men of her own race, they must protect themselves. In the significant language of one of their own ablest advocates, they assert that, "Lower Canada must be English, at the expense, if necessary, of not being British."

I have, in despatches of a later date than that to which I have had occasion so frequently to refer, called the attention of the home government to the growth of this alarming state of feeling among the English population. The course of the late troubles, and the assistance which the French insurgents derived from some citizens of the United States, have caused a most intense exasperation among the Canadian loyalists against the American government and people. Their papers have teemed with the most unmeasured denunciations of the good faith of the authorities, of the character, and morality of the people, and of the political institutions of the United States. Yet, under this surface of hostility, it is easy to detect a strong under-current of an exactly contrary feeling.—As the general opinion of the American people became more apparent during the course of the last year, the English of Lower Canada were surprised to find how strong, in spite of the first burst of sympathy, with a people supposed to be struggling for independence, was the real sympathy of their republican neighbours with the great objects of the minority. Without abandoning their attachment to their mother country, they have begun, as men in a state of uncertainty are apt to do, to calculate the probable consequences of a separation, if it should unfortunately occur, and be followed by an incorporation with the United States. In spite of the shock which it would occasion their feelings, they undoubtedly think that they should find some compensation in the promotion of their interests; they believe that the influx of American emigration would speedily place the English race in a majority; they talk frequently and loudly of what has occurred in Louisiana, where, by means which they utterly misrepresent, the end nevertheless of securing an English predominance over a French population, has undoubtedly been attained; they assert very confidently that the Americans would make a very speedy and decisive settlement of the pretensions of the French; and they believe that, after the first shock of an entirely new political state had been got over, they and their posterity would share in that amazing progress, and that great material prosperity which every day's experience shows them is the lot of the people of the United States. I do not believe that such a feeling has yet sapped their strong allegiance to the British Empire; but their allegiance is founded on their deep-rooted attachment to British as distinguished from French institutions. And if they find that that authority which they have maintained against its recent assailants is to be exerted in such a manner as to subject them again to what they call

a French dominion, I feel perfectly confident that they would attempt to avert the result by courting, on any terms, an union with an Anglo-Saxon people.

Such is the lamentable and hazardous state of things, produced by the conflict of races, which has so long divided the Province of Lower Canada, and which has assumed the formidable and irreconcilable character which I have depicted. In describing the nature of this conflict, I have specified the causes in which it originated; and though I have mentioned the conduct and constitution of the Colonial Government, as modifying the character of the struggle, I have not attributed to political causes a state of things which would, I believe, under any political institutions, have resulted from the very composition of society. A jealousy between two races, so long habituated to regard each other with hereditary enmity, and so differing in habits, in language, and in laws, would have been inevitable under any form of Government. That liberal institutions, and a prudent policy, might have changed the character of the struggle, I have no doubt—but they could not have prevented it: they could only have softened its character, and brought it more speedily to a more decisive and peaceful conclusion. Unhappily, however, the system of Government pursued in Lower Canada, has been based on the policy of perpetuating that very separation of the races, and encouraging these very notions of conflicting nationalities which it ought to have been the first and chief care of Government to check and extinguish. From the period of the conquest to the present time, the conduct of the Government has aggravated the evil; and the origin of the present extreme disorder may be found in the institutions by which the character of the Colony was determined.

There are two modes by which a Government may deal with a conquered territory. The first course open to it is that of respecting the rights and nationality of the actual occupants; of recognizing the existing laws, and preserving established institutions; of giving no encouragement to the influx of the conquering people—and, without attempting any change in the elements of the community, merely incorporating the Province under the general authority of the central Government. The second is that of treating the conquered territory as one open to the conquerors; of encouraging their influx; of regarding the conquered race as entirely subordinate; and of endeavouring, as speedily and as rapidly as possible, to assimilate the character and institutions of its new Subjects to those of the great body of its Empire. In the case of an old and long-settled country—in which the land is appropriated—in which little room is left for colonization—and in which the race of the actual occupants must continue to constitute the bulk of the future population of the Province—policy, as well as humanity, render the well-being of the conquered people the first care of a just Government, and recommend the adoption of the first-mentioned system; but in a new and unsettled country, a provident legislator would regard, as his first object, the interests not only of the few individuals who happen at the moment to inhabit a portion of the soil, but those of that comparatively vast population by which he may reasonably expect that it will be filled; he would form his plans with a view of attracting and nourishing that future population—and he would, therefore, establish those institutions which would be most acceptable to the race by which he hoped to colonize the country. The course which I have described as best suited to an old and settled country, would have been impossible in the American continent, unless the conquering state

meant to renounce the immediate use of the unsettled lands of the Province; and in this case, such a course would have been additionally unadvisable—unless the British Government were prepared to abandon, to the scanty population of French whom it found in Lower Canada, not merely the possession of the vast extent of rich soil which that Province contains, but also the mouth of the St. Lawrence, and all the facilities for trade which the entrance of that great River commands.

In the first regulations adopted by the British Government, for the settlement of the Canadas, in the Proclamation of 1763, and the Commission of the Governor-in-Chief of the Province of Quebec, in the offers by which Officers and Soldiers of the British Army, and settlers from the other North American Provinces, were tempted to accept grants of land in the Canadas, we perceive very clear indications of an intention of adopting the second, and the wiser of the two systems. Unfortunately, however, the conquest of Canada was almost immediately followed by the commencement of those discontents, which ended in the independence of the United Provinces. From that period, the Colonial policy of this country appears to have undergone a complete change. To prevent the further dismemberment of the Empire, became the primary object with our Statesmen; and an especial anxiety was exhibited, to adopt every expedient which appeared calculated to prevent the remaining North American Colonies from following the example of successful revolt.—Unfortunately, the distinct national character of the French inhabitants of Canada, and their ancient hostility to the people of New England, presented the easiest and most obvious line of demarcation. To isolate the inhabitants of the British from those of the revolted Colonies, became the policy of the Government: and the nationality of the French Canadians was therefore cultivated, as a means of perpetual and entire separation from their neighbours.* It seems also to have been considered the policy of the British Government to govern its Colonies by means of

* This policy was not abandoned even at so late a period as the year 1816; as will appear by the following Despatch from Lord Bathurst to the Governor of Lower Canada:

"DOWNING STREET, July 1, 1816.

"SIR,—You are, no doubt, aware of the inquiries which have been made in the Province, as to the practicability of leaving in a state of nature that part of the frontier which lies between the Lake Champlain and Montreal; and you have, no doubt, had under your review the report of the Surveyor General, on this subject, which was enclosed in Sir Gordon Drummond's Despateh of 21st April, 1816, No. 119. With the opinion which His Majesty's Government entertains upon this subject, it cannot but be a matter of regret to think, that any settlements should have been made in the Districts of Hemingford, Sherrington, Goodmanchester, or Hinchinbrook. But at the same time I cannot recommend the dispossession of the Settlers, at the expense which must result from the purchase of the lands which they have cleared, and the improvements which they have made upon them, unless indeed that purchase could be effected by an adequate assignment of other waste lands of the Crown in other quarters. I must confine myself, therefore, to instructing you to abstain altogether from making, hereafter, any grants in these Districts, and to use every endeavour to induce those who have received grants there, and have not yet proceeded to the cultivation of them, to accept uncleared lands in other Districts, more distant from the frontier of the United States. In some cases, where the lands have been long granted, they must, I apprehend, under the usual conditions of the grants, have become resumable by the Crown; and in such case you can have no difficulty in preventing their cultivation; and the expediency of making other grants, in lieu of those resumed, will depend upon the particular circumstances of each individual case.

"It is also very desirable that you should, as far as lies in your power, prevent the extension of roads in the direction of those particular Districts beyond the limits of that division of the Province referred to in the plan of the Surveyor General as being generally cultivated; and if any means should present themselves of letting those which have been already made, fall into decay, you will best comply with the views of His Majesty's Government, and materially contribute to the future security of the Province, by their adoption.

"I have the honour, &c.

(Signed) "BATHURST.

"Lieutenant General SIR J. C. SHERBROOKE, &c."

division: and to break them down as much as possible, into petty isolated communities—incapable of combination—and possessing no sufficient strength for individual resistance to the Empire. Indications of such designs are to be found in many of the acts of the British Government, with respect to the North American Colonies. In 1775, instructions were sent from England, directing that all grants of land within the Province of Quebec, then comprising Upper and Lower Canada, were to be made in *Fief* and *Seigniory*; and even the grants to the Refugee Loyalists, and Officers and Privates of the Colonial Corps, promised in 1786, were ordered to be made on the same tenure. In no instance was it more singularly exhibited than in the condition annexed to the grants of land in Prince Edward's Island, by which it was stipulated, that the Island was to be settled by "foreign Protestants"—as if they were to be foreign, in order to separate them from the people of New England: and Protestants, in order to keep them apart from the Canadian and Acadian Catholics. It was part of the same policy to separate the French of Canada from the British emigrants—and to conciliate the former by the retention of their language, laws and religious institutions. For this purpose, Canada was afterwards divided into two Provinces: the settled portion being allotted to the French, and the unsettled being destined to become the seat of British colonization. Thus, instead of availing itself of the means which the extent and nature of the Province afforded, for the gradual introduction of such an English population into its various parts as might have easily placed the French in a minority, the Government deliberately constituted the French into a majority, and recognized and strengthened their distinct national character. Had the sounder policy of making the Province English, in all its institutions, been adopted from the first, and steadily persevered in, the French would probably have been speedily outnumbered, and the beneficial operation of the free institutions of England would never have been impeded by the animosties of origin.

Not only, however, did the government adopt the unwise course of dividing Canada, and forming in one of its divisions a French community, speaking the French language, and retaining French institutions, but it did not even carry this consistently into effect; for at the same time provision was made for encouraging the emigration of English into the very Province which was said to be assigned to the French. Even the French institutions were not extended over the whole of Lower Canada. The civil law of France, as a whole, and the legal provision for the Catholic clergy, were limited to the portion of the country then settled by the French, and comprised in the seignories; though some provision was made for the formation of new seignories, almost the whole of the then unsettled portion of the Province was formed into townships, in which the law of England was partially established, and the Protestant religion alone endowed. Thus two populations of hostile origin and different characters were brought into juxta-position under a common government, but under different institutions; each was taught to cherish its own language, laws, and habits, and each, at the same time, if it moved beyond its original limits, was brought under different institutions, and associated with a different people. The unenterprising character of the French population, and, above all, its attachment to its church (for the enlargement of which, in proportion to the increase or diffusion of the Catholic population, very inadequate provision was made), have produced the effect of confining it within its ancient limits. But the English were

attracted into the seignories, and especially into the cities, by the facilities of commerce afforded by the great rivers. To have effectually given the policy of retaining French institutions and a French population in Lower Canada a fair chance of success, no other institutions should have been allowed, and no other race should have received any encouragement to settle therein. The Province should have been set apart to be wholly French, if it was not to be rendered completely English. The attempt to encourage English emigration into a community, of which the French character was still to be preserved, was an error which planted the seeds of a contest of races in the very constitution of the colony; this was an error, I mean, even on the assumption that it was possible to exclude the English race from French Canada. But it was quite impossible to exclude the English race from any part of the North American continent. It will be acknowledged by every one who has observed the progress of Anglo-Saxon colonization in America, that sooner or later the English race was sure to predominate even numerically in Lower Canada, as they predominate already, by their superior knowledge, energy, enterprise, and wealth. The error, therefore, to which the present contest must be attributed is the vain endeavour to preserve a French Canadian nationality in the midst of Anglo-American colonies and states.

That contest has arisen by degrees. The scanty number of the English who settled in Lower Canada, during the earlier period of our possession, put out of the question any ideas of rivalry between the races. Indeed, until the popular principles of English institutions were brought effectually into operation, the paramount authority of the Government left little room for dispute among any but the few who contended for its favours. It was not until the English had established a vast trade, and accumulated considerable wealth—until a great part of the landed property of the Province was vested in their hands—until a large English population was found in the Cities, had scattered itself over large portions of the country, and had formed considerable communities in the Townships—and not until the development of representative Government had placed substantial power in the hands of the people—that that people divided itself into races, arrayed against each other in intense and enduring animosity.

The errors of the government did not cease with that to which I have attributed the origin of this animosity. The defects of the colonial constitution necessarily brought the executive government into collision with the people; and the disputes of the government and the people called into action the animosities of race; nor has the policy of the government obviated the evils inherent in the constitution of the colony, and the composition of society. It has done nothing to repair its original error, by making the Province English. Occupied in a continual conflict with the Assembly, successive Governors and their councils have overlooked, in great measure, the real importance of the feud of origin; and the Imperial Government, far removed from opportunities of personal observation of the peculiar state of society, has shaped its policy so as to aggravate the disorder. In some instances it has actually conceded the mischievous pretensions of nationality, in order to evade popular claims; as in attempting to divide the Legislative Council, and the patronage of government, equally between the two races, in order to avoid the demands for an elective council and a responsible executive: sometimes it has, for a while, pursued the opposite course. A policy founded upon imperfect information, and conducted by continually changing hands, has exhibited

to the colony a system of vacillation which was in fact no system at all. The alternate concessions to the contending races have only irritated both, impaired the authority of government, and, by keeping alive the hopes of a French Canadian nationality, counteracted the influences which might, ere this, have brought the quarrel to its natural and necessary termination. It is impossible to determine precisely the respective effects of the social and political causes. The struggle between the government and the Assembly has aggravated the animosities of race; and the animosities of race have rendered the political difference irreconcileable. No remedy can be efficient that does not operate upon both evils. At the root of the disorders of Lower Canada, lies the conflict of the two races, which compose its population; until this is settled, no good government is practicable; for whether the political institutions be reformed or left unchanged, whether the powers of the government be entrusted to the majority or the minority, we may rest assured that while the hostility of the races continues, whichever of them is entrusted with power will use it for partial purposes.

I have described the contest between the French and English races in Lower Canada with minuteness, because it was my wish to produce a complete and general conviction of the prominent importance of that struggle, when we are taking into consideration the causes of those disorders which have so grievously afflicted the Province. I have not, however, during the course of my preceding remarks, been able to avoid alluding to other causes, which have greatly contributed to occasion the existing state of things; and I have specified among these the defects of the constitution, and the errors arising out of the system of government. It is, indeed, impossible to believe that the assigned causes of the struggle between the government and the majority have had no effect, even though we may believe that they have had much less than the contending parties imagined. It is impossible to observe the great similarity of the constitutions established in all our North American Provinces, and the striking tendency of all to terminate in pretty nearly the same result, without entertaining a belief that some defect in the form of government, and some erroneous principle of administration, have been common to all; the hostility of the races being palpably insufficient to account for all the evils which have affected Lower Canada, inasmuch as nearly the same results have been exhibited among the homogeneous population of the other Provinces. It is but too evident that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the executive and the popular branches of the Legislature. The representative body of Upper Canada was, before the late election, hostile to the policy of the government; the most serious discontents have only recently been calmed in Prince Edward's Island and New Brunswick; the government is still, I believe, in a minority in the lower house in Nova Scotia; and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may fairly be said that the natural state of government in all these colonies is that of collision between the executive and the representative body. In all of them the administration of public affairs is habitually confided to those who do not co-operate harmoniously with the popular branch of the legislature; and the government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed.

A state of things, so different from the working of any successful experiment of representative government appears to indicate a deviation from sound constitutional principles or practice. Though occasional collisions between the Crown and the House of Commons have occurred in this country since the establishment of our constitution at the revolution of 1688, they have been rare and transient. A state of frequent and lasting collisions appears almost identical with one of convulsion and anarchy; and its occurrence in any country is calculated to perplex us as to the mode in which any government can be carried on therein, without an entire evasion of popular controul. But, when we examine into the system of government in these colonies, it would almost seem as if the object of those by whom it was established, had been the combining of apparently popular institutions with an utter absence of all efficient controul of the people over their rulers. Representative Assemblies were established on the basis of a very wide and, in some cases, almost universal suffrage; the annual meeting of these bodies was secured by positive enactment, and their apparent attributes were locally nearly as extensive as those of the English House of Commons. At the same time, the Crown almost entirely relied on its territorial resources, and on duties imposed by Imperial acts, prior to the introduction of the representative system, for carrying on the government, without securing the assent of the representative body, either to its policy, or to the persons by whom that policy was to be administered.

It was not until some years after the commencement of the present century, that the population of Lower Canada began to understand the representative system which had been extended to them, and that the Assembly evinced any inclination to make use of its powers. Immediately, however, upon its so doing, it found how limited those powers were, and entered upon a struggle to obtain the authority which analogy pointed out as inherent in a representative assembly. Its freedom of speech immediately brought it into collision with the Governor; and the practical working of the Assembly commenced by its principal leaders being thrown into prison. In the course of time, however, the Government was induced, by its necessities, to accept the Assembly's offer to raise an additional revenue by fresh taxes; and the Assembly thus acquired a certain control over the levying and appropriation of a portion of the public revenue. From that time until the final abandonment in 1832 of every portion of the reserved revenue, excepting the casual and territorial funds, an unceasing contest was carried on, in which the Assembly, making use of every power which it gained for the purpose of gaining more, acquired, step by step, an entire control over the whole revenue of the country.

I pass thus briefly over the events which have heretofore been considered the principal features of the Canadian controversy, because, as the contest has ended in the concession of the financial demands of the Assembly, and the admission by the Government of the impropriety of attempting to wtihhold any portion of the public revenues from its control, that contest can now be regarded as of no importance, except as accounting for the exasperation and suspicion which survived it. Nor am I inclined to think that the disputes which subsequently occurred are to be attributed entirely to the operation of mere angry feelings. A substantial cause of contest yet remained. The Assembly after it had obtained entire control over the public revenues, still found itself deprived of all voice

in the choice or even designation of the persons in whose administration of affairs it could feel confidence. All the administrative power of Goverment remained entirely free from its influence; and though Mr. Papineau appears by his own conduct to have deprived himself of that influence in the Government which he might have acquired, I must attribute the refusal of a civil list to the determination of the Assembly not to give up its only means of subjecting the functionaries of Government to any responsibility.

The powers for which the Assembly contended appear, in both instances, to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory or government who imagined, that in any colony of England a body invested with the name and character of a representative assembly could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that by mere limitations in the Constitional Act, or an exclusive system of government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the Provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or evaded, and the whole business of the country was conducted by men, in whose intentions or capacity it had not the slightest confidence. Yet such was the limitation placed on the authority of the Assembly of Lower Canada; it might refuse or pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single servant of the Crown. The executive council, the law officers, and whatever heads of departments are known to the administrative system of the Province, were placed in power, without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honour and trust. However decidedly the Assembly might condemn the policy of the government, the persons who had advised that policy, retained their offices and their power of giving bad advice. If a law was passed after repeated conflicts, it had to be carried into effect by those who had most strenuously opposed it. The wisdom of adopting the true principle of representative government, and facilitating the management of public affairs, by entrusting it to the persons who have the confidence of the representative body, has never been recognised in the government of the North American Colonies. All the officers of government were independent of the Assembly; and that body which had nothing to say to their appointment, was left to get on as it best might, with a set of public functionaries, whose paramount feeling may not unfairly be said to have been one of hostility to itself.

A body of holders of office thus constituted, without reference to the people or their representatives, must in fact, from the very nature of colonial government, acquire the entire direction of the affairs of the Province. A Governor, arriving in a colony in which he almost invariably has had no previous acquaintance with the state of parties, or the character of individuals, is compelled to throw himself almost entirely upon those whom he finds placed in the position of his official advisers. His first acts must necessarily be performed, and his first appointments made, at their suggestion. And as these first acts and appointments give a character to his policy, he is generally brought thereby into immediate

collision with the other parties in the country, and thrown into more complete dependence upon the official party and its friends. Thus, a Governor of Lower Canada has almost always been brought into collision with the Assembly, which his advisers regard as their enemy. In the course of the contest in which he was thus involved, the provocations which he received from the Assembly, and the light in which their conduct was represented by those who alone had any access to him, naturally imbued him with many of their antipathies; his position compelled him to seek the support of some party against the Assembly; and his feelings and his necessities thus combined to induce him to bestow his patronage and to shape his measures to promote the interests of the party on which he was obliged to lean. Thus, every successive year consolidated and enlarged the strength of the ruling party. Fortified by family connection, and the common interest felt by all who held, and all who desired, subordinate offices, that party was thus erected into a solid and permanent power, controlled by no responsibility, subject to no serious change, exercising over the whole government of the Province an authority utterly independent of the people and its representatives, and possessing the only means of influencing either the government at home, or the colonial representative of the Crown.

This entire separation of the legislative and executive powers of a state, is the natural error of governments desirous of being free from the check of representative institutions. Since the revolution of 1688, the stability of the English constitution has been secured by that wise principle of our government which has vested the direction of the national policy, and the distribution of patronage, in the leaders of the parliamentary majority. However partial the Monarch might be to particular ministers, or however he might have personally committed himself to their policy, he has invariably been constrained to abandon both, as soon as the opinion of the people has been irrevocably pronounced against them through the medium of the House of Commons. The practice of carrying on a representative government on a different principle seems to be the rock on which continental imitations of the British constitution have invariably split; and the French revolution of 1830 was the necessary result of an attempt to uphold a ministry with which no Parliament could be got to act in concert. It is difficult to understand how any English statesmen could have imagined that representative and irresponsible government could be successfully combined. There seems, indeed, to be an idea that the character of representative institutions ought to be thus modified in colonies; that it is an incident of colonial dependence, that the officers of government should be nominated by the Crown, without any reference to the wishes of the community, whose interests are entrusted to their keeping. It has never been very clearly explained what are the imperial interests, which require this complete nullification of representative government. But, if there be such a necessity, it is quite clear that a representative government in a colony must be a mockery, and a source of confusion. For those who support this system have never yet been able to devise, or to exhibit in the practical working of colonial government, any means for making so complete an abrogation of political influence palatable to the representative body. It is not difficult to apply the case to our own country. Let it be imagined that at a general election the opposition were to return 500 out of 658 members of the House of Commons, and that the whole policy of the ministry should be condemned,

and every bill introduced by it rejected by this immense majority. Let it be supposed that the Crown should consider it a point of honour and duty to retain a ministry so condemned and so thwarted, that repeated dissolutions should in no way increase, but should even diminish, the ministerial minority; and that the only result which could be obtained by such a development of the force of the opposition, were not the slightest change in the policy of the ministry, not the removal of a single minister, but simply the election of a Speaker of the politics of the majority; and, I think, it will not be difficult to imagine the fate of such a system of government. Yet such was the system, such literally was the course of events in Lower Canada, and such in character, though not quite in degree, was the spectacle exhibited in Upper Canada, and, at one time or another, in every one of the North American colonies. To suppose that such a system would work well there, implies a belief that the French Canadians have enjoyed representative institutions for half a century, without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic.

It appears, therefore, that the opposition of the Assembly to the government was the unavoidable result of a system which stinted the popular branch of the Legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire controul over the administration of the Province. I say all this without reference to the ultimate aim of the Assembly, which I have before described as being the maintenance of a Canadian nationality against the progressive intrusion of the English race. Having no responsible ministers to deal with, it entered upon that system of long inquiries by means of its committees, which brought the whole action of the executive immediately under its purview, and transgressed our notions of the proper limits of parliamentary interference. Having no influence in the choice of any public functionary, no power to procure the removal of such as were obnoxious to it merely on political grounds, and seeing almost every office of the colony filled by persons in whom it had no confidence, it entered on that vicious course of assailing its prominent opponents individually, and disqualifying them for the public service, by making them the subjects of inquiries and consequent impeachments, not always conducted with even the appearance of a due regard to justice; and when nothing else could attain its end of altering the policy or the composition of the colonial government, it had recourse to that *ultima ratio* of representative power to which the more prudent forbearance of the Crown has never driven the House of Commons in England, and endeavoured to disable the whole machine of government by a general refusal of the supplies.

It was an unhappy consequence of the system which I have been describing, that it relieved the popular leaders of all the responsibilities of opposition. A member of opposition in this country acts and speaks with the contingency of becoming a minister constantly before his eyes, and he feels, therefore, the necessity of proposing no course, and of asserting no principles, on which he would not be prepared to conduct the government, if he were immediately offered it. But the colonial demagogue bids high for popularity without the fear of future exposure.—Hopelessly excluded from power, he expresses the wildest opinions, and

appeals to the most mischievous passsions of the people, without any apprehension of having his sincerity or prudence hereafter tested, by being placed in a position to carry his views into effect; and thus the prominent places in the ranks of opposition are occupied for the most part by men of strong passions, and merely declamatory powers, who think but little of reforming the abuses which serve them as topics for exciting discontent.

The collision with the executive government necessarily brought on one with the Legislative Council. The composition of this body, which has been so much the subject of discussion both here and in the colony, must certainly be admitted to have been such as could give it no weight with the people, or with the representative body, on which it was meant to be a check. The majority was always composed of members of the party which conducted the executive government; the clerks of each council were members of the other; and in fact, the Legislative Council was practically hardly anything but a veto in the hands of public functionaries on all the acts of that popular branch of the Legislature in which they were always in a minority. This veto they used without much scruple. I am far from concurring in the censure which the Assembly and its advocates have attempted to cast on the acts of the Legislative Council. I have no hesitation in saying that many of the bills which it is most severely blamed for rejecting, were bills which it could not have passed without a dereliction of its duty to the constitution, the connection with Great Britain, and the whole English population of the colony. If there is any censure to be passed on its general conduct, it is for having confined itself to the merely negative and defensive duties of a legislative body; for having too frequently contented itself with merely defeating objectionable methods of obtaining desirable ends, without completing its duty by proposing measures, which would have achieved the good in view without the mixture of evil. The national animosities which pervaded the legislation of the Assembly, and its thorough want of legislative skill or respect for constitutional principles, rendered almost all its bills obnoxious to the objections made by the Legislative Council; and the serious evil which their enactment would have occasioned, convinces me that the colony has reason to congratulate itself on the existence of an institution which possessed and used the power of stopping a course of legislation that, if successful, would have sacrificed every British interest, and overthrown every guarantee of order and national liberty. It is not difficult for us to judge thus calmly of the respective merits of these distant parties; but it must have been a great and deep-rooted respect for the constitution and composition of the Legislative Council, that could have induced the representatives of a great majority to submit with patience to the impediment thus placed in their way by a few individuals.—But the Legislative Council was neither theoretically unobjectionable, nor personally esteemed by the Assembly; its opposition appeared to that body but another form of official hostility, and it was inevitable that the Assembly should, sooner or later, make those assaults on the constitution of the Legislative Council which, by the singular want of judgment and temper with which they were conducted, ended in the destruction of the provincial constitution.

From the commencement, therefore, to the end of the disputes which mark the whole Parliamentary history of Lower Canada, I look on the conduct of the Assembly as a constant warfare with the Executive, for the purpose of obtaining the powers inherent in a representative body by

the very nature of representative government. It was to accomplish this purpose, that it used every means in its power; but it must be censured for having, in pursuit of this object, perverted its powers of legislation, and disturbed the whole working of the Constitution. It made the business of legislation, and the practical improvement of the country, subordinate to its struggle for power; and, being denied its legitimate privileges, it endeavoured to extend its authority in modes totally incompatible with the principles of Constitutional liberty.

One glaring attempt, which was made directly and openly, to subvert the Constitution of the country, was, by passing a bill for the formal repeal of those parts of the 31st Geo. III. chap. 31, commonly called the Constitutional Act, by which the constitution and powers of the Legislative Council were established. It can hardly be supposed that the framers of this bill were unaware, or hoped to make any concealment of the obvious illegality of a measure which, commencing, as all Canadian Acts do, by a recital of the 31st Geo. III. as the foundation of the legislative authority of the Assembly, proceeded immediately to infringe some of the most important provisions of that very Statute; nor can it be supposed that the Assembly hoped really to carry into effect this extraordinary assumption of power, inasmuch as the bill could derive no legal effect from passing the Lower House, unless it should subsequently receive the assent of the very body which it purported to annihilate.

A more dangerous, because, in some measure, more effectual device for assuming unconstitutional powers, was practised by the Assembly in its attempts to evade the necessity of obtaining the assent of the other branches of the Legislature, by claiming for its own resolutions, and that, too, on points of the greatest importance, the force of laws. A remarkable instance of this was exhibited in the resolution which the Assembly passed on the rejection of a bill for vacating the seats of Members, on the acceptance of offices under the Crown; and which, in fact, and undisguisedly, purported, by its own single authority, to give effect to the provisions of the rejected bill. This resolution brought the Assembly into a long dispute with Lord Aylmer, in consequence of his refusing to issue a writ for the election of a Member, in place of Mr. Mondelet, whose seat was declared vacant, in consequence of his having accepted the office of Executive Councillor. The instance in which the Assembly thus attempted to enforce this principle of disqualification, happened to be one to which it could not be considered applicable, either from analogy to the law of England, or from the apparent intent of the resolution itself; for the office which Mr. Mondelet accepted, though one of high importance and influence, was one to which no salary or emolument of any kind was attached.

But the evils resulting from such open attempts to dispense with the Constitution were small, in comparison with the disturbance of the regular course of legislation, by systematic abuse of constitutional forms, for the purpose of depriving the other branches of the Legislature of all real legislative authority. The custom of passing the most important laws in a temporary form, has been an ancient and extensive defect of the legislation of the North American Colonies, partially authorised by Royal instructions to the Governors, but never sanctioned by the Imperial Legislature, until it was established in Lower Canada by the 1st Vict. chap. 9. It remained, however, for the Assembly of Lower Canada to reduce the practice to a regular system, in order that it might have the most important institutions of the Province periodically at its mercy, and use the

necessities of the Government, and the community, for the purpose of extorting the concession of whatever demands it might choose to make. Objectionable in itself, on account of the uncertainty and continual changes which it tended to introduce into legislation, this system of temporary laws derived its worst character from the facilities which it afforded to the practice of "tacking" together various legislative measures; a practice not unknown to the British Constitution, and which had sometimes been found useful, because the prudence of the House of Commons has induced that body rarely to have recourse to it—but which the Legislators of Lower Canada converted into the ordinary mode of legislation. By the abuse of this practice, any branch of the Legislature had during every Session the power, if it had the inclination, to make the renewal of expiring laws the means of dictating its own terms to the others: and to this end it was systematically converted by the Assembly. It adopted the custom of renewing all expiring laws, however heterogeneous in their character, in one and the same bill. Having the first choice to exercise, it renewed, of course, only those Acts of which it approved, and left to the Legislative Council, and the Governors, only the alternative of rejecting such as had proved to be beneficial, or of passing such as in their opinion had proved to be mischievous. A singular instance of this occurred in 1836, with respect to the renewal of the Jury Law, to which the Assembly attached great importance, and to which the Legislative Council felt a strong repugnance—on account of its having, in effect, placed the Juries entirely in the hands of the French portion of the population. In order to secure the renewal of this Law, the Assembly coupled it in the same bill, by which it renewed the tolls of the Lachine Canal, calculating on the Council not venturing to defeat a measure of so much importance to the revenue as the latter, by resisting the former. The Council, however, rejected the bill; and thus the Canal remained toll free for a whole season, because the two Houses differed about a Jury Law.

Nor was this custom of "tacking" confined to the case of the renewal of expiring laws. A bill for the independence of the Judges was coupled with the establishment of a new tribunal for trying impeachments, and, with other provisions, to which it was known that the Crown was decidedly hostile; and thus, in the attempt to extort an objectionable concession, a most desirable guarantee for the pure administration of justice, was sacrificed.

The system thus framed, was completed by the regulations with respect to a quorum, and the use which the majority made of them. A quorum of nearly half the whole House was required for the transaction of business. Towards the end of every recent Session, the majority used to break up the quorum, and disperse to their respective homes, without waiting to be prorogued, immediately after sending up a number of bills to the Council: thus leaving no means of considering or adopting any amendments which that body might make, and leaving it no option but that of rejecting or confirming, by wholesale, the measures of the Assembly.

But in describing the means by which the Assembly obtained and attempted to consolidate its power, I must not omit to direct particular attention to that which, after all, was the most effectual—and which originated in a defect common to the system of Government in all the North American Colonies; it is the practice of making Parliamentary grants for local works—a system so vicious, and so productive of evil, that I believe that

until it is entirely eradicated, representative Government will be incapable of working well and smoothly in those Colonies.

I know, indeed, of no difference in the machinery of Government in the Old and New World, that strikes an European more forcibly, than the apparently undue importance which the business of constructing public works appears to occupy in American legislation. In speaking of the character of a Government, its merits appear to be estimated by the public works which it has carried into effect. If an individual is asked how his own Legislature has acted, he will generally say what roads or bridges it has made, or neglected to make, in his own District; and if he is consulted about changes in a Constitution, he seems to try their soundness by calculating whether his neighbourhood would get more and better roads and bridges, under the exisiing or the proposed system. On examining the proceedings of a Legislature, we find that a great proportion of its discussions turn on such questions; and if we look to the budget, we find that a still greater proportion of the public money is applied to these purposes. Those who reflect on the circumstances of the New World, will not find it very difficult to account for the attention there paid to what is necessarily the first business of society, and is naturally the first care of every responsible Government. The provision which, in Europe, the State makes for the protection of its citizens against foreign enemies, is in America required for what a French writer has beautifully and accurately called the "war with the wilderness." The defence of an important fortress, or the maintenance of a sufficient army or navy in exposed spots, is not more a matter of common concern to the European, than is the construction of the great communications to the American settler; and the State, very naturally, takes on itself the making of the works, which are matters of concern to all alike.

Even the municipal institutions of the northern states of the American Union have not entirely superseded the necessity of some interference on the part of their legislatures in aid of local improvements; though the main efforts of those states have been directed to those vast undertakings which are the common concern and common glory of their citizens. In the southern states, where municipal institutions are less complete, the legislatures are in the habit of taking part more constantly and extensively in works which are properly of mere local interest; and great complaints are made of consequent corruption and mismanagement. But in the British colonies, in none of which is there any effectual system of municipal government, the evil has been carried to the greatest height, and exercises the most noxious influence. The great business of the Assemblies is, literally, parish business; the making parish roads and parish bridges. There are in none of these Provinces any local bodies possessing authority to impose local assessments, for the management of local affairs. To do these things is the business of the Assembly; and to induce the Assembly to attend to the particular interests of each county, is the especial business of its county member. The surplus revenue of the Province is swelled to as large an amount as possible, by cutting down the payment of public services to as low a scale as possible; and the real duties of Government are, sometimes, insufficiently provided for, in order that more may be left to be divided among the constituent bodies. "When we want a bridge, we take a judge to build it," was the quaint and forcible way in which a member of a provincial legislature described the tendency to retrench, in the most necessary departments of the public service, in

order to satisfy the demands for local works. This fund is voted by the Assembly on the motion of its members; the necessity of obtaining the previous consent of the Crown to money votes never having been adopted by the Colonial Legislatures from the practice of the British House of Commons. There is a perfect scramble among the whole body to get as much as possible of this fund for their respective constituents; cabals are formed, by which the different members mutually play into each other's hands; general politics are made to bear on private business, and private business on general politics; and at the close of the parliament, the member who has succeeded in securing the largest portion of the prize for his constituents, renders an easy account of his stewardship, with confident assurance of re-election.

The provincial assembles being, as I have previously stated, in a state of permanent collision with the government, have never been in the habit of entrusting the executive with any control over these funds; and they have been wholly dispensed by commissioners named by the legislature. The assemblies do not appear to have been at all insensible to the possibility of turning this patronage to their own account. An electioneering handbill, which was circulated by the friends of government at the last dissolution in Upper Canada, exhibited, in a very strong light, the expense of the commissioners of the assembly, contrasted with those of the officers of the executive government; but the province of Nova Scotia has carried this abuse to an extent which appears almost inconceivable. According to a report presented to me by Major Head, an assistant commissioner of inquiry whom I sent to that colony, a sum of £10,000 was, during the last session, appropriated to local improvements; this sum was divided into 830 portions, and as many commissioners were appointed to expend it, giving, on an average, a commissioner for rather more than every £12, with a salary of 5s. a day, and a further remuneration of two and a half per cent. on the money expended, to be deducted out of each share.

Not only did the leaders of the Lower Canadian Assembly avail themselves of the patronage thus afforded by the large surplus revenue of the Province, but they turned this system to much greater account, by using it to obtain influence over the constituencies. In a furious political struggle, like that which subsisted in Lower Canada, it was natural that a body wielding, with hardly any reponsibility, this direct power of promoting the immedite interests of each constituency, should show some favour to that which concurred in its political views, and should exhibit its displeasure towards that which obstinately resisted the majority. But the majority of the assembly of Lower Canada is accused by its opponents of having, in the most systematic and persevering manner, employed this means of corrupting the electoral bodies. The adherents of Mr. Papineau are said to have been lavish in their promises of the benefits which they could obtain from the assembly for the county whose suffrages they solicited. By such representations the return of members of opposition politics is asserted in many instances to have been secured; and obstinate counties are alleged to have been sometimes starved into submission, by an entire withdrawal of grants, until they returned members favourable to the majority. Some of the English members who voted with M. Papineau excused themselves to their countrymen, by alleging that they were compelled to do so, in order to get a road or a bridge, which their constituents desired. Whether it be true or false that the abuse was ever carried to such a pitch, it is

obviously one which might have been easily and safely perpetrated by a person possessing Mr. Papineau's influence in the Assembly.

But the most bold and extensive attempt for erecting a system of patronage, wholly independent of the government, was that which was, for some time, carried into effect by the grants for education made by the Assembly, and regulated by the act, which the Legislative Council has been most bitterly reproached with refusing to renew. It has been stated, as a proof of the deliberate intention of the Legislative Council to crush every attempt to civilize and elevate the great mass of the people, that it thus stopped at once the working of about 1,000 schools, and deprived of education no less than 40,000 scholars who were actually profiting by the means of instruction thus placed within their reach. But the reasons which induced, or rather compelled, the Legislative Council to stop this system are clearly stated in the report of that body, which contains the most unanswerable justification of the course which it pursued. By that it appears, that the whole superintendence and patronage of these schools had, by the expired law, been vested in the hands of the county members; and that they had been allowed to manage the funds without even the semblance of sufficient accountability. The members of the Assembly had thus a patronage, in this single department, of about £25,000 per annum, an amount equal to half of the whole ordinary civil expenditure of the Province. They were not slow in profiting by the occasion thus placed in their hands; and as there existed in the Province no sufficient supply of competent schoolmasters and mistresses, they nevertheless immediately filled up the appointments with persons who were utterly and obviously incompetent. A great proportion of the teachers could neither read nor write. The gentleman whom I directed to inquire into the state of education in the Province showed me a petition from certain schoolmasters, which had come into his hands, and the majority of the signatures were those of marksmen. These ignorant teachers could convey no useful instruction to their pupils; the utmost amount which they taught them was to say the Catechism by rote. Even within seven miles of Montreal there was a schoolmistress thus unqualified. These appointments were, as might have been expected, jobbed by the members among their political partisans; nor were the funds very honestly managed. In many cases the members were suspected or accused of misapplying them to their own use; and in the case of Beauharnois, where the seigneur, Mr. Ellice, has, in the same spirit of judicious liberality, by which his whole management of that extensive property has been marked, contributed most largely towards the education of his tenants, the school funds were proved to have been misappropriated by the county member. The whole system was a gross political abuse; and however laudable we must hold the exertions of those who really laboured to relieve their country from the reproach of being the least furnished with the means of education of any on the North American continent, the more severely must we condemn those who sacrificed this noble end, and perverted ample means to serve the purposes of party.

I know not whether to ascribe the system which was adopted for the relief of the distress periodically occurring in certain districts, to the same policy of extending the influence of the Assembly by local grants, or merely to the antiquated prejudices which seem to have pervaded many parts of the Assembly's legislation, which dictated laws against hucksters and the maintenance of foundling hospitals. No general system for the

relief of destitution, no poor-law of any kind was established, and the wants of the country hardly demanded it. But when I arrived at Quebec, I received a number of petitions from parishes situated on the lower part of the St. Lawrence, praying for relief, in consequence of the failure of the harvest. I found, on inquiry, that relief had been granted to these districts for several successive years. The cause of the calamity was obvious; it was the unsuitableness of wheat crops under the wretched system of Canadian small farming, to the severe climate of that portion of the Province. By the side of the distressed parishes were large districts, in which a better system of farming, and, above all, the employment of the land for pasture and green crops, had diffused the most general comfort among the agricultural population, and completely obviated the occurrence of failure or distress. There were, in the vicinity of the distressed parishes, large tracts of rich and unsettled land, available for the permanent amelioration of the condition of this suffering people; and there were valuable and extensive fisheries in the neighbourhood, which might have supported it in comfort; yet no persevering attempt had been made to provide permanent relief by encouraging the population which was thus thrown on the legislature for support, either to adopt a better system of agriculture, or to settle on other portions of the country, or to avail itself of the fisheries. The Assembly met the evil by relieving the distress in such a way as to stave off its immediate results, and ensure its recurrence. It gave food for the season of scarcity, and seed to sow a crop even of wheat as late as the 20th of June, which was, of course, to fail in its turn; for it had thus relieved the same kind of distress, in precisely the same places, for several successive years; and its policy seemed to be to pension a portion of the people to sow wheat where it would not ripen.

It is melancholy to think of the opportunities of good legislation which were sacrificed in this mere contest for power. No country in the world ever demanded from a paternal government, or patriotic representatives, more unceasing and vigorous reforms, both of its laws and its administrative system. Lower Canada had, when we received it at the conquest, two institutions, which alone preserved the semblance of order and civilization in the community—the Catholic church and the militia, which was so constituted and used as partially to supply the want of better civil institutions. The beneficial influence of the Catholic church has been cramped and weakened; the militia is now annihilated, and years must elapse ere it can be revived and used to any good purpose. Lower Canada remains without municipal institutions of local self-government, which are the foundations of Anglo-Saxon freedom and civilization: nor is their absence compensated by anything like the centralization of France. The most defective judicial institutions remain unreformed. Alone, among the nations that have sprung from the French, Lower Canada remains under the unchanged civil laws of ancient France. Alone, among the nations of the American Continent, it is without a public system of education. Nor has it, in other respects, caught the spirit of American progress. While the Assembly was wasting the surplus revenues of the Province in jobs for the increase of patronage, and in petty peddling in parochial business, it left untouched those vast and easy means of communication which deserved, and would have repaid the application of the provincial revenues. The State of New York made its own St. Lawrence from Lake Erie to the Hudson, while the govern-

ment of Lower Canada could not achieve, or even attempt the few miles of canal and dredging which would have rendered its mighty rivers navigable almost to their sources. The time which should have been devoted to wise legislation was spent in a contest for power between the executive and the people, which a wise executive would have stopped at the outset, by submitting to a legitimate responsibility, and which a wise people would have ceased to press when it had virtually attained its end. This collision, and the defective constitution were, in conjunction with the quarrel of the races, the causes of the mischiefs which I have detailed. It will be a ground, I trust, of permanent congratulation, that the contest terminated in the destruction of the impracticable constitution, which caused the strife; nor can I conceive any course of conduct which could so effectually have destroyed the previous system of mismanagement, and cleared the ground for future improvement, as that continued stoppage of supplies which the Assembly, in its intemperance effected. It broke down at once the whole of that vicious appropriation of public funds, which was the great bane of provincial legislation, and has left the abuses of the colony so long unfed, that a reforming government may hereafter work upon an unencumbered soil.

The inevitable result of the animosities of race, and of the constant collision of the different powers of the state, which I have described, was a thorough disorganization of the institutions and administrative system of the country. I do not think that I necessarily cast any stigma on my predecessors in Lower Canada, or on the uniform good intentions which the Imperial government has clearly evinced towards every class and every race in the colony, when I assert that a country which has been agitated by these social and political dissensions, has suffered under great misgovernment. The blame rests not on individuals, but on the vicious system, which has generated the manifold and deep-rooted abuses that pervade every department of the public service, and constitute the real grievances of the colony. These grievances are common to the whole people of Lower Canada; and it is not one race, or one party only, that suffers by their existence; they have hindered the prosperity, and endangered the security of all; though, unquestionably, the interests which have most materially been retarded by misgovernment, are the English. From the highest to the lowest officers of the executive government, no important department is so organised as to act vigorously and completely, throughout the Province; and every duty which a government owes to its subjects is imperfectly discharged.

The defective system of administration in Lower Canada, commences at the very source of power; and the efficiency of the public service is impaired throughout, by the entire want, in the Colony, of any vigorous administration of the prerogative of the Crown. The fact is, that according to the present system, there is no real Representative of the Crown in the Province: there is in it, literally, no power which originates and conducts the Executive Government. The Governor, it is true, is said to represent the Sovereign—and the authority of the Crown is, to a certain extent, delegated to him; but he is, in fact, a mere subordinate Officer—receiving his orders from the Secretary of State—responsible to him for his conduct—and guided by his instructions. Instead of selecting a Governor, with an entire confidence in his ability to use his local knowledge of the real state of affairs in the Colony, in the manner which local observation and practical experience best prescribe to him, it has been the

policy of the Colonial Department, not only at the outset to instruct a Governor as to the general policy which he was to carry into effect, but to direct him, from time to time, by instructions, sometimes very precise, as to the course which he was to pursue, in every important particular of his Administration. Theoretically irresponsible to the Colonial Legislature, the Governor was, in effect, the only Officer in the Colony who was at all responsible: inasmuch as the Assembly, by centering their attacks on him, and making him appear the sole cause of the difficulties of the Government, could occasion him so much vexation, and represent him in so unfavourable a light at home, that it frequently succeeded in imposing on him the necessity of resigning, or on the Colonial Minister, that of recalling him. In order to shelter himself from this responsibility, it has inevitably, and I must say very justifiably, been the policy of Governors, to take care that the double responsibility shall be as light as possible—to endeavour to throw it, as much as possible, on the Home Government, and to do as little as possible without previously consulting the Colonial Minister at home, and receiving his instructions. It has, therefore, been the tendency of the local Government to settle every thing by reference to the Colonial Department, in Downing Street. Almost every question on which it was possible to avoid, even with great inconvenience, an immediate decision, has been habitually the subject of reference; and this applies, not merely to those questions on which the local Executive and Legislative bodies happened to differ—wherein the reference might be taken as a kind of appeal—but to questions of a strictly local nature, on which it was next to impossible for the Colonial Office to have any sufficient information. It had become the habit of the Colonial Office to originate these questions—to entertain applications from individuals—to refer these applications to the Governor—and, on his answer, to make a decision. The Governor has been enabled, by this system, to shift responsibility on the Colonial Office: inasmuch as in every important case he was, in reality, carrying into effect the order of the authority to which he was responsible. But the real vigour of the Executive has been essentially impaired—distance and delay have weakened the force of its decisions—and the Colony has, in every crisis of danger, and almost every detail of local management, felt the mischief of having its Executive authority exercised on the other side of the Atlantic.

Nor has any thing been gained, either in effectual responsibility or sound information, by thus transferring the details of Executive Government to the Colonial Department, at home. The complete and unavoidable ignorance in which the British public, and even the great body of its legislators, are with respect to the real interests of distant communities, so entirely different from their own, produces a general indifference, which nothing but some great Colonial crisis ever dispels; and responsibility to Parliament, or to the public opinion of Great Britain, would, except on these great and rare occasions, be positively mischievous—if it were not impossible. The repeated changes, caused by political events at home, having no connection with Colonial affairs, have left to most of the various representatives of the Colonial Department in Parliament, too little time to acquire even an elementary knowledge of the condition of those numerous and heterogeneous communities for which they have had both to administer and legislate. The persons with whom the real management of these affairs has or ought to have rested, have been the permanent but utterly irresponsible members of the office. Thus the real Government

of the Colony has been entirely dissevered from the slight nominal responsibility which exists. Apart even from this great and primary evil of the system, the pressure of multifarious business thus thrown on the Colonial Office, and the repeated changes of its ostensible directors, have produced disorders in the management of public business which have occasioned serious mischief, and very great irritation. This is not my own opinion merely; for I do but repeat that of a Select Committee of the present House of Assembly, in Upper Canada, who, in a Report dated February 8, 1838, say—"It appears to your Committee, that one of the chief causes of dissatisfaction with the administration of Colonial affairs, arises from the frequent changes in the office of Secretary of State, to whom the Colonial Department is intrusted. Since the time the late Lord Bathurst retired from that charge, in 1827, your Committee believe there has not been less than eight Colonial Ministers, and that the policy of each successive Statesman has been more or less marked by a difference from that of his predecessor. This frequency of change, in itself, almost necessarily entails two evils: *first*, an imperfect knowledge of the affairs of the Colonies, on the part of the Chief Secretary, and the consequent necessity of submitting important details to the subordinate Officers of the Department; and, *second*, the want of stability and firmness in the general policy of the Government—and which, of course, creates much uneasiness on the part of the Governors, and other Officers of the Colonies, as to what measures may be approved.

"But undoubtedly," continues the Report, "by far the greatest objection to the system is, the impossibility it occasions of any Colonial Minister, unaided by persons possessing local knowledge, becoming acquainted with the wants, wishes, feelings and predudices, of the inhabitants of the Colonies, during his temporary continuance in office, and of deciding satisfactorily upon the conflicting statements and claims that are brought before him. A firm, unflinching resolution to adhere to the principles of the Constitution, and to maintain the just and necessary powers of the Crown, would do much towards supplying the want of local information. But it would be performing more than can be reasonably expected from human sagacity, if any man or set of men, should always decide in an unexceptionable manner on subjects that have their origin thousands of miles from the seat of the Imperial Government, where they reside, and of which they have no personal knowledge whatever; and therefore wrong may be often done to individuals, or a false view taken of some important political question, that in the end may throw a whole community into difficulty and dissension, not from the absence of the most anxious desire to do right, but from an imperfect knowledge of facts upon which to form an opinion.

"To these objections," adds the Report, "it may be answered, that although the Chief Secretary of State retires with a change of Ministers, the Under Secretaries, (or at least one of them,) and the other subordinate Officers of the Department, remain and hold their offices permanently—and therefore information upon all subjects can be readily imparted to the superior by the gentlemen who are thus retained; and it may be admitted, that the knowledge of this fact ought to lessen the force of the objections that rest on other grounds. But it cannot be disguised, that there is a growing impatience and unwillingness on the part of the Colonists, especially in these extensive Provinces, to have the measures of Government, whether connected with their general system of government, legislation

or patronage, controlled by persons who are utter strangers to them—not responsible, in any way, to themselves or the British Parliament—and who, perhaps, being advanced to their office from length of service, or other like cause, are not regarded as competent (perhaps unjustly) to manage and direct measures which they (the Colonists) deem of vital importance. Much of this feeling may be traced to pride; but it is a pride that springs from an honourable and laudable feeling—and always accompanies self-respect, true patriotism and love of country: and it therefore ought not to be disregarded, nor should any attempt be made to lessen or control it, if it were possible to do so. But the imperfection that exists in the system of Colonial Government that prevails in England, is rendered more apparent by the want of that confidence that ought to be reposed in the distinguished Officers who, from time to time, are commissioned as Governors to different Colonies, than by any other fact that can be distinctly pointed out."

I will now only point out one instance of these evils—and I select it because it is an instance occurring in relation to the most important function of the Executive—namely, its exercise of the legislative prerogative of the Crown, and because its existence has been admitted by the present Secretary of State for the Colonies, in his instructions to my predecessor, Lord Gosford—I mean the reservation of bills for the Royal assent. The "too frequent reservation of bills" is a "grievance," says His Lordship, "of which my inquiries lead me to believe the reality." And in a subsequent part of the same Despatch, His Lordship admits that, owing to this cause, great mischief has been done, by the wholly unintentional delay in giving the Royal assent to some perfectly unobjectionable bills, having for their object the endowment of Colleges by benevolent persons. This delay His Lordship describes as "chiefly attributable to political events, and the consequent changes of the Colonial administration at home." I know not to what cause is to be attributed a delay, which produced, with respect to another bill, the still more serious effect of a doubt of its legality, after it had been considered and acted on as law. This bill* was reserved; and the Royal assent was so long delayed, through mere inadvertence, that when it was sent out to the Colony as an Act, the question was raised whether the Royal Assent had been delayed beyond the two years allowed by law, and whether, having been so delayed, it was valid.

One of the greatest of all the evils arising from this system of irresponsible Government, was the mystery in which the motives and actual purposes of their Rulers were hid from the Colonists themselves. The most important business of Government was carried on—not in open discussions or public acts—but in a secret correspondence between the Governor and the Secretary of State. Whenever this mystery was dispelled, it was long after the worst effects had been produced by doubts and misapprehension; and the Colonies have been frequently the last to learn the things that most concerned them, by the publication of papers, on the order of the British Houses of Parliament.

The Governor, thus slightly responsible, and invested with functions so ill-defined, found himself at the head of a system, in which all his advisers and subordinates had still less responsibility, and duties still less defined.

* The 9th and 10th Geo. IV. chap. 77.—The period began to run in March, 1829, and the Royal assent was not given till May, 1831.

Disqualified at first by want of local information, and very often, subsequently, by an entire absence of all acquaintance with the business of civil government, the Governor, on his arrival in the colony, found himself under the necessity of being, in many respects, guided by the persons whom he found in office. In no country, therefore, could there be a greater necessity for a proper demarcation of the business of each public officer, and of a greater responsibility resting on each. Now, I do not at all exaggerate the real state of the case when I assert, that there is no head of any of the most important departments of public business in the colony. The limited powers of the local government in a colony necessarily obviate the necessity of any provision for some of the most important departments which elsewhere require a superintending mind. But the mere ordinary administration of justice, police, education, public works, and internal communications, of finance and of trade, would require the superintendence of persons competent to advise the Governor, on their own responsibility, as to the measures which should be adopted; and the additional labours which fall on the heads of such departments in other countries, in devising improvements of the system and the laws relating to each, would certainly afford additional occupation, growing out of the peculiarly defective legislation and administration of Lower Canada. Yet, of no one of these departments is there any responsible head, by whose advice the Governor may safely be guided. There are some subordinate and very capable officers in each department, from whom he is, in fact, compelled to get information from time to time. But there is no one to whom he, or the public, can look for the correct management and sound decision on the policy of each of these important departments.

The real advisers of the Governor have, in fact, been the Executive Council, and an institution more singularly calculated for preventing the responsibility of the acts of Government resting on anybody can hardly be imagined. It is a body of which the constitution somewhat resembles that of the Privy Council; it is bound by a similar oath of secresy; it discharges in the same manner certain anomalous judicial functions; and its "consent and advice" are required in some cases in which the observance of that form has been thought a requisite check on the exercise of particular prerogatives of the Crown. But in other respects it bears a greater resemblance to a cabinet, the Governor being in the habit of taking its advice on most of the important questions of his policy. But as there is no division into departments in the Council, there is no individual responsibility, and no individual superintendence. Each member of the Council takes an equal part in all the business brought before it. The power of removing members being very rarely exercised, the Council is, in fact, for the most part, composed of persons placed in it long ago; and the Governor is obliged either to take the advice of persons in whom he has no confidence, or to consult only a portion of the Council. The secresy of the proceedings adds to the irresponsibility of the body; and when the Governor takes an important step, it is not known, or not authentically known, whether he has taken the advice of this Council or not, what members he has consulted, or by the advice of which of the body he has been finally guided. The responsibility of the Executive Council has been constantly demanded by the Reformers of Upper Canada, and occasionally by those of the Lower Province. But it is really difficult to conceive how desirable responsibility could be attained, except by altering

the working of this cumbrous machine, and placing the business of the various departments of government in the hands of competent public officers.

In the ordinary course of public business in the colony, almost all matters come, in fact, before the Governor, or his immediate assistant, the civil secretary of the Province. The civil secretary's office is, in fact, the one general public office in which almost every species of business originates, or through which it passes in some stage or other. The applications which every day reach this office show the singular want of proper organization in the Province, and the great confusion of ideas respecting the functions of government, generated in the minds of the people. A very considerable proportion consists of requests to the Governor to interfere with the course of civil justice. Every decision of subordinate officers is made matter of appeal; and no reference to the proper department satisfies the applicants, who imagine that they have a right to claim a personal investigation of every case by the Governor or the Civil Secretary. The appeals from the past are equally numerous; and it appears to be expected that every new Governor should sit in judgment on every decision of any or all of his predecessors, which happens to have dissatisfied the applicant.

But if such is the bad organization and imperfection of the system at the seat of government, it may be easily believed that the remainder of the Province enjoyed no very vigorous or complete administration. In fact, beyond the walls of Quebec, all regular administration of the country appeared to cease; and there literally was hardly a single public officer of the civil government, except in Montreal and Three Rivers, to whom any order could be directed. The solicitor-general commonly resides at Montreal; and in each of the districts there is a sheriff. In the rest of the Province there is no sheriff, no mayor, no constable, no superior administrative officer of any kind. There are no county, no municipal, no parochial officers, either named by the Crown, or elected by the people. There is a body of unpaid justices of the peace, whom I will describe more particularly hereafter. The officers of the militia used to be employed for purposes of police, as far as regarded the service of criminal warrants; but their services were voluntary, and not very assiduous; and the whole body is now completely disorganised. In every case in which any information was required by the government, or any service was to be performed in a remote part of the Province, it was necessary either to send some one to the spot, or to find out, by inquiry at the seat of government, the name of some resident there whom it was advisable and safe to consult on the subject, or direct to do the act required. In the state of parties in the country, such a step could hardly ever be taken without trusting to very suspicious information, or delegating power to persons who would be, or be suspected of being, likely to abuse it.

This utter want of any machinery of executive government in the Province is not, perhaps, more striking than might be observed in some of the most flourishing portions of the American continent. But in the greater part of the states to which I refer, the want of means at the disposal of the central executive is amply supplied by the efficiency of the municipal institutions; and even where these are wanting, or imperfect, the energy and self-governing habits of an Anglo-Saxon population enable it to combine whenever a necessity arises. But the French population

of Lower Canada possesses neither such institutions nor such a character. Accustomed to rely entirely on the government, it has no power of doing anything for itself, much less of aiding the central authority.

The utter want of municipal institutions giving the people any countrol over their local affairs, may indeed be considered as one of the main causes of the failure of representative government, and of the bad administration of the country. If the wise example of those countries in which a free representative government has alone worked well, had been in all respects followed in Lower Canada, care would have been taken that, at the same time that a Parliamentary system, based on a very extended suffrage, was introduced into the country, the people should have been entrusted with a complete control over their own local affairs, and been trained for taking their part in the concerns of the Province, by their experience in the management of that local business which was most interesting and most easily intelligible to them. But the inhabitants of Lower Canada were unhappily initiated into self-government at exactly the wrong end, and those who were not trusted with the management of a parish, were enabled, by their votes, to influence the destinies of a state. During my stay in the Province, I appointed a commission to inquire into its municipal institutions, and the practicability of introducing an effective and free system for the management of local affairs. The gentlemen entrusted with this inquiry had, when they were interrupted in their labours, made considerable progress towards preparing a report, which will, I hope, develope, in a full and satisfactory manner, the extent of the existing evil, and the nature of the practicable remedies.

There never has been, in fact, any institution in Lower Canada, in which any portion of the French population have been brought together for any administrative purpose, nor is there among the divisions of the country any one which has been constituted with a view to such an end. The larger divisions, called "districts," are purely judicial divisions.—

The counties may be called merely parliamentary divisions; for I know of no purpose for which they appear to have been constituted, except for the election of members for the House of Assembly; and during the present suspension of representative government, they are merely arbitrary and useless geographical divisions. There are no hundreds, or corresponding sub-divisions of counties. The parishes are purely ecclesiastical divisions, and may be altered by the Catholic bishops. The only institution in the nature of local management, in which the people have any voice, is the *fabrique*, by which provision is made for the repairs of the Catholic churches.

The townships are inhabited entirely by a population of British and American origin; and may be said to be divisions established for surveying, rather than any other purposes. The eastern townships present a lamentable contrast in the management of all local matters to the bordering state of Vermont, in which the municipal institutions are the most complete, it is said, of any part even of New England. In any new settled district of New England, a small number of families settling within a certain distance of each other, are immediately empowered by law to assess themselves for local purposes, and to elect local officers. The settlers in the eastern townships, many of whom are natives of New England, and all of whom can contrast the state of things on their own, with that which is to be seen on the other side of the line, have a serious and general cause of discontent in the very inferior management of all their

own local concerns. The government appears even to have discouraged the American settlers from introducing their own municipal institutions by common assent. "I understood," says Mr. Richards, in a Report to the Secretary of State of the Colonies, ordered by the House of Commons to be printed in March, 1832, "that the Vermonters had crossed the line, and partially occupied several townships, bringing with them their own municipal customs; and that when the impropriety of electing their own officers was pointed out to them, they had quickly given them up, and promised to conform to those of Canada."

But the want of municipal institutions has been and is most glaringly remarkable in Quebec and Montreal. These cities were incorporated a few years ago by a temporary Provincial Act, of which the renewal was rejected in 1836. Since that time these cities have been without any municipal government; and the disgraceful state of the streets, and the utter absence of lighting, are consequences which arrest the attention of all, and seriously affect the comfort and security of the inhabitants.

The worst effects of this most faulty system of general administration will be developed in the view which I shall hereafter give of the practices adopted with respect to the public lands, and the settlement of the Province, but which I postpone for the present, because I purpose considering this subject with reference to all the North American Provinces.— But I must here notice the mischievous results prominently exhibited in the provision which the government of Lower Canada makes for the first want of a people, the efficient administration of justice.

The law of the Province and the administration of justice are, in fact, a patch-work of the results of the interference at different times of different legislative powers, each proceeding on utterly different and generally incomplete views, and each utterly regardless of the other. The law itself is a mass of incoherent and conflicting laws, part French, part English, and with the line between each very confusedly drawn. Thus, the criminal law is the criminal law of England, as it was introduced in 1774, with such modifications as have since been made by the Provincial Legislature, it being now disputed whether the Provincial Legislature had any power to make any change whatever in that law, and it not being at all clear what is the extent of the phrase "criminal law." The civil law is the ancient civil law, also modified in some, but unfortunately very few respects; and these modifications have been almost exclusively effected by acts of the British Parliament and by ordinances of the Governor and council constituted under the Quebec Act. The French law of evidence prevails in all civil matters, with a special exception of "commercial" cases, in which it is provided that the English law is to be adopted; but no two lawyers agree in their definition of "commercial."

For judicial purposes, the Province is divided into four superior districts, having unlimited and supreme original jurisdiction, and one inferior, with limited jurisdiction. The four superior are those of Quebec and Montreal, Three Rivers, and St. Francis; the inferior, that of Gaspé.

The district of Gaspé is subordinate to that of Quebec, with some special provisions for the administration of justice within it under a particular Provincial Act, which expires next May. I could obtain no very satisfactory information respecting this district, except that everybody appeared to be of opinion that, from its distance and scanty population, it had always met with very little attention from either the legislature or the executive government. About the administration of justice therein,

I could hardly obtain any information; indeed, on one occasion, it being necessary, for some particular purpose, to ascertain the fact, inquiry was made at all the public offices in Quebec, whether or not there was any coroner for Gaspé. It was a long time before any information could be got on this point, and it was at last in some measure cleared up, by the Accountant-General discovering an estimate for the salary of such an Officer. The only positive information, therefore, that I can give respecting the present administration of justice in Gaspé is, that I received a petition from the inhabitants, praying that the Act by which it is regulated might not be renewed.

Each of the Courts of Quebec and Montreal has a Chief Justice, and three Puisné Judges; there is but one Judge in each of the Districts of Three Rivers and St. Francis. During term time, Judges from other Districts make up the Bench in these two.

In all civil cases, these Courts have original jurisdiction to an unlimited amount; and in spite of the immense extent of all, but particularly of the two greater Districts, the parties are, in almost all cases, brought up to the chief Towns for the trial of their causes.

An attempt, but of a very trifling and abortive character, has been made to introduce the English system of Circuits. The Judges of these Districts make Circuits once a year, in order to try causes in which the disputed value is not more than £10, Sterling. The limitation of the value—the introduction of Small Debt Courts, and the consequent failure of attendance on the part of a Bar during their progress—and the very insufficient time allotted for the stay at each place—have, I am informed, rendered these Circuits almost useless; and even the suits which might be tried at the Circuits, are generally, in preference, carried up for trial to the chief places of these Districts.

There are some complaints that excessive fees are taken in the Courts of Montreal and Quebec. The distribution of legal patronage is a matter of great, it is not easy to say, of how just complaint; but the substantial evil of the administration of civil justice consists in the practical denial of it—caused by the utter inefficiency of the Circuit system, and the enormous expense and delay of carrying every suit, where the value in dispute is more than £10, Sterling, from the extremities of the three large and settled Districts of the Province, to the three District Towns—in the vicious constitution of the inferior tribunals, by which it has been attempted to supply the want of an effective system, either of Circuits or local Courts—and in the very faulty nature of the supreme appellate jurisdiction of the Province.

The minor litigation of the country is, in fact, carried on throughout these three Districts in the Courts of the Commissioners of Small Causes. These Courts are established in the different Parishes. by the Governor, on an application made by a certain number of the Parishioners, according to forms prescribed by the Provincial Statute, in which this institution takes its rise, and have jurisdiction over all debts not exceeding twenty-five dollars, equal to £6 5s. Currency. The Commissioners are appointed by the Governor, upon the recommendation of the petitioners; these are residents in the parish, and almost wholly unversed in law. The constitution of these Courts is, in fact, nothing else in substance but an elective judiciary—elected under the most irregular, fraudulent and absurd electoral system that could possibly be devised. I cannot better illustrate this description, than by narrating simply the mode in which the appointment

is, in fact, made. It is, and has for a long time been, left almost entirely in the hands of a subordinate assistant, in the Civil Secretary's Office. This gentleman stated that he took no steps, and indeed by law he could not, until he received a petition, with the requisite number of names attached. His impression was, that these signatures were generally obtained by assiduous canvassing in the parish, generally on the part of some person who wanted the appointment of Clerk, which is paid, and who took this trouble, in order to secure the nomination of Commissioners, from whom he expected to get the appointment. After some inquiry from any person whom this Assistant Secretary thought proper to consult, respecting the characters of the persons proposed, they were, almost as a matter of course, appointed. After a short time, if some other person in the District happened to acquire more popularity, and to covet the office, a petition was got up, containing charges against the occupant of the office, and praying for his removal, and the substitution of his rival.—Upon most of the appointments, also, there arose long controversies respecting the politics, qualification and character, of the candidate for office; and a removal or new appointment was always attributed to some political causes, by the newspapers of each party or race. The inquiry into the qualification of persons proposed—the investigation of the charges made—the defence urged in reply—and the distant and unsatisfactory evidence adduced in support of each—formed a large proportion of the business of the Civil Secretary's Office. Whatever appointment was made, the Government was sure to create dissatisfaction; and the administration of justice was left in the hands of incompetent men, whose appointment had been made in such a manner, as even, sometimes, to render their integrity suspicious, in the eyes, not only of those who had opposed, but also of those who had supported their nomination. I shall only add, that sometime previous to my leaving the Province, I was very warmly and forcibly urged, by the highest legal authorities in the country, to abolish all these tribunals at once, on the ground that a great many of them, being composed entirely of disaffected French Canadians, were busily occupied in harrassing loyal Subjects, by entertaining actions against them, on account of the part they had taken in the late insurrection. There is no appeal from their decision; and it was stated that they had, in the most bare-faced manner, given damages against loyal persons, for acts done in the discharge of their duty, and judgments by default against persons who were absent, as volunteers in the service of the Queen, and enforced their judgment by levying distresses on their property.

I must now turn from the lowest to the highest civil tribunal of the Province. In a country in which the administration of justice is so imperfect in all the inferior stages, and in which two different and often conflicting systems of law are administered by Judges, whose professional education and origin necessarily cause different leanings in favour of the respective systems in which each is more particularly versed, the existence of a good and available appellate jurisdiction, which may keep the law uniform and certain, is matter of much greater importance than in those countries in which the law is homogeneous, and its administration by the subordinate tribunals is satisfactory. But the appellate jurisdiction of Lower Canada is vested in the Executive Council—a body established simply for political purposes—and composed of persons in great part having no legal qualifications whatsoever. The Executive Council sits

as a Court of Appeal, four times in the year, and for the space of ten days during each Session; and on these occasions the two Chief Justices of Quebec and Montreal were, *ex officio*, Presidents—and each in turn presided, when appeals from the other's District were heard. The laymen who were present to make up the necessary quorum of five, as a matter of course, left the whole matter to the presiding Chief Justice, except in some instances, in which party feelings or pecuniary inrerests are asserted to have induced the unprofessional members to attend in unusual numbers, to disregard the authority of the Chief Justice, and to pervert the law. In the general run of cases, therefore, the decision was left to the President alone: and each Chief Justice became, in consequence, the real Judge of Appeal from the whole Court of the other District. It is a matter of perfect and undisputed notoriety, that this system has produced the results which ought to have been foreseen as inevitable; and that, for some time before I arrived in the Province, the two Chief Justices had constantly differed in opinion upon some most important points, and had been in the habit of generally reversing each other's judgments. Not only, therefore, was the law uncertain and different in the two Districts, but, owing to the ultimate power of the Court of Appeal, that which was the real law of each District was that which was held not to be law by the Judges of that District. This is not merely an inference of my own; it is very clear that it was the general opinion of the profession and the public. The Court of Appeal, as re-modelled by me, at the only sitting which it held, reversed all but one of the judgments brought before it. This induced a member of the Court to remark to one of the Chief Justices, that so general a reversal of the law of a very competent Court below, by a tribunal so competent as the Court of Appeals then was, appeared to him utterly inexplicable: inasmuch as it could in nowise be attributed, as it was before, to the influence of a single Judge. The reply of the Chief Justice was, that the matter was easily accounted for; that the system previously adopted in the Court of Appeals, had rendered the decision of the Court below so complete a nullity, that the parties and counsel below often would not take the trouble to enter into the real merits of their case—and that the real bearing and law of the case were, generally, most fully stated before the Court of Appeals.

As the business of the Court of Appeals was thus of great extent and importance, it became necessary that, having from political considerations altered the composition of the Executive Council, I should re-organize the Court of Appeals. I determined to do this upon the best principle that I could carry into effect, under the circumstances of the case; for, as the constitution of the Court of Appeals is prescribed by the Constitutional Act, I could not vest the appellate jurisdiction in any other body than the Executive Council. I called, therefore, to the Executive Council, the Chief Justice and one Puisné Judge from each of the two Districts of Quebec and Montreal, and by summoning also the Judge of Three Rivers, I gave the members of the two conflicting tribunals an impartial arbiter, in the person of M. Vallière de St. Real, admitted, by universal consent, to be the ablest French lawyer in the Province. But the regulations of the Executive Council, which it was supposed I could not alter in this case, required the presence of a quorum of five; and as no Judge could sit on an appeal from his own Court, I had now only provided three for every appeal from the two greater Districts. In order to make up the quorum, the Court was therefore attended by two other Executive

Councillors—one of whom, by his thorough knowledge of commercial law, and his general legal experience, was commonly admitted to have rendered essential service. I believe I may confidently say, that the decisions of this Court carried far greater weight than those of any previous Court of Appeals.

The further appeal to the Privy Council, allowed in cases where the value was above £500, is, from the great delay and great expense attendant on it, hardly ever resorted to. The establishment of a good appellate jurisdiction for the whole of the North American colonies is therefore greatly desired by every Province; and a competent tribunal for this purpose would spare the cost and delay of a resort to the Privy Council, and answer all the purposes proposed to be attained by the present double system of appeal.

The evils of the system of criminal justice are not so various, but from the faulty judicial division and administrative system of the Province, the defects which exist in the constitution of the courts of justice are even more severely felt in this department; for, except at the principal towns of the five districts, there is not the slightest provision for criminal justice, and to these places all prisoners must be brought for trial from the the most remote parts, subject to their jurisdiction. Thus, from the extreme settlements on the Ottawa, where is now the great seat of the lumber trade, and of the large and wild population which it brings together, all prisoners have to be carried to a distance of two hundred miles, by bad and uncertain means of conveyance, to Montreal for trial. On the left bank of the Ottawa the law has, according to a high legal authority, no power. It was but lately that a violent mob, called Shiners, for a long time set the law at defiance, and had entirely at their mercy the large properties invested in that part of the country.

Besides those in the five places above mentioned, there are only three county gaols, one of which is in the district of Gaspé There are no sessions held in any other than those places. At the Quebec, Montreal and Three Rivers quarter sessions there were, some years ago, professional and salaried chairmen, but the Assembly discontinued them. There are sheriffs only in the districts, and not in each county. They are named by the Crown for life, and are removable at pleasure. The offices are very lucrative, and are said to have been frequently disposed of from personal or political favouritism. It is also matter of complaint, that insufficient security has been taken from those appointed to them; and many individuals have consequently sustained very serious loss from the defalcation of sheriffs.

But the most serious mischief in the administration of criminal justice, arises from the entire perversion of the institution of juries, by the political and national prejudices of the people. The trial by jury was introduced with the rest of the English criminal law. For a long time the composition of both grand and petit juries was settled by the Governor, and they were at first taken from the cities, which were the *chefs lieux* of the district. Complaints were made that this gave an undue preponderance to the British in those cities; though, from the proportions of the population, it is not very obvious how they could thereby obtain more than an equal share. In consequence, however, of these complaints, an order was issued under the government of Sir James Kempt, directing the sheriffs to take the juries not only from the cities, but from the adjacent country, for fifteen leagues in every direction. An act was subse-

quently passed, commonly called "Mr. Viger's Jury Act," extending these limits to those of the district. The principle of taking the jury from the whole district, to which the jurisdiction of the court extended, is undoubtedly in conformity with the principles of English law; and Mr. Viger's Act, adopting the other regulations of the English jury law, provided a fair selection of juries. But if we consider the hostility and proportions of the two races, the practical effect of this law was to give the French an entire preponderance in the juries. This act was one of the temporary acts of the Assembly, and having expired in 1836, the Legislative Council refused to renew it. Since that period, there has been no jury law whatever. The composition of the juries has been altogether in the hands of the government: private instructions, however, have been given to the sheriff to act in conformity with Sir James Kempt's ordinance; but though he has always done so, the public have had no security for any fairness in the selection of the juries. There was no visible check on the sheriff; the public knew that he could pack a jury whenever he pleased, and supposed, as a matter of course, that an officer holding a lucrative appointment at the pleasure of government would be ready to carry into effect those unfair designs which they were always ready to attribute to the government. When I arrived in the Province the public was expecting the trials of the persons accused of participation in the late insurrection. I was on the one hand informed by the law officers of the Crown and the highest judicial authorities, that not the slightest chance existed under any fair system of getting a jury that would convict any of these men, however clear the evidence of their guilt might be; and on the other side I was given to understand that the prisoners and their friends supposed that, as a matter of course, they would be tried by packed juries, and that even the most clearly innocent of them would be convicted.

It is, indeed, a lamentable fact, which must not be concealed, that there does not exist in the minds of the people of this Province the slightest confidence in the administration of criminal justice; nor were the complaints, or the apparent grounds for them, confined to one party.

The French complain that the institution of both grand and petit juries have been repeatedly tampered with against them. They complain that when it has suited the interests of the government to protect persons guilty of gross offences against the French party, they have attained their end by packing the grand jury. Great excitement has long existed among the French party in consequence of a riot which took place at the election for the West Ward of Montreal, in May 1832, on which occasion the troops were called out, fired on the people, and killed three of them.—An indictment was preferred against the magistrates and officers who ordered the troops to fire. It was urged by the French that the grand jury was composed almost entirely of Englishmen, that twelve out of the twenty-three were taken from the parish of Lachine, the smallest in the whole island; a selection which, they said, could hardly be attributed to mere chance, and that they were not in the usual station in life of grand jurymen. The opposite party, it must be observed, however, argued that this apparent selection of a majority of the grand jury from a single parish was a necessary result of some ill-contrived provision of Mr. Viger's Jury Act. The bill was thrown out, and all judicial investigation into the circumstances consequently quashed. I am merely mentioning the complaints of parties. I know not whether the preceding allegations

were well founded, but there can be no doubt that such was the impression produced among the French Canadians by these proceedings, which, in their minds, completely destroyed all confidence in the administration of justice.

The French Canadians further complain that the favourable decision of a grand jury was of no avail to those who had fallen under the displeasure of the government. There are several instances in the recent history of Lower Canada, in which an attorney-general, being dissatisfied with the conduct of the grand jury in ignoring a bill, either repeated by preferred indictments for the same offence, until he obtained a grand jury which would find them, or filed *ex officio* informations.

Nor are the complaints of the English population of a less serious nature. They assert, unhappily on two undisputable grounds, that the Canadian grand and petit juries have invariably used their power to insure impunity to such of their countrymen as had been guilty of political offences. The case of Chartrand is not the only one in which it is generally believed that this has been done. The murderers of an Irish private soldier of the 24th Regiment, of the name of Hands, are asserted to have been saved by an equally gross violation of their oaths on the part of the jury. A respectable and intelligent member of the grand jury which sat at Montreal, in October, 1837, informed the government that nothing could be more proper than the behaviour of a great majority of the jurymen, who were French Canadians, while they were occupied with cases not connected with politics. They attended patiently to the evidence, and showed themselves well disposed to follow the opinion of the foreman, who was a magistrate of great competence; but it was added, that the instant they came to a political case, all regard for even the appearance of impartiality vanished, and they threw out the bills by acclamation, without listening to the remonstrances of the foreman.

The trial by jury is therefore at the present moment not only productive in Lower Canada of no confidence in the honest administration of the laws, but also provides impunity for every political offence.

I cannot close this account of the system of criminal justice, without making some remarks with respect to the body by which it is administered in its primary stages and minor details, to the great mass of the people of the Province. I mean the magistracy; and I cannot but express my regret, that among the few institutions for the administration of justice throughout the country which have been adopted in Lower Canada from those of England, should be that of unpaid justices of the peace. I do not mean in any way to disparage the character, or depreciate the usefulness, of that most respectable body in this country. But the warmest admirer of that institution must admit that, its benefits result entirely from the peculiar character of the class from which our magistracy is selected; and that without the general education, the moral responsibility imposed by their high station in the eyes of their countrymen, the check exercised by the opinion of their own class, and of an intelligent and vigilant public, and the habits of bublic business, which almost every Englishman more or less acquires; even the country gentlemen of England could not wield their legally irresponsible power as justices of the peace to the satisfaction of their countrymen. What, then, must be conceived of the working of this institution in a colony by a class over whom none of these checks exist, and whose station in life and education would alone

almost universally exclude them from a similar office at home? When we transplant the institutions of England into our colonies, we ought at least to take care beforehand that the social state of the colony should possess those peculiar materials on which alone the excellence of those institutions depends in the mother country. The body of justices of the peace scattered over the whole of Lower Canada are named by the Governor, on no very accurate local information, there being no lieutenants or similar officers of counties in this, as in the Upper Province. The real property qualfication required for the magistracy is so low, that in the country parts almost every one possesses it; and it only excludes some of the most respectable persons in the cities. In the rural districts the magistrates have no clerks. The institution has become unpopular among the Canadians, owing to their general belief that the appointments have been made with a party and national bias. It cannot be denied that many most respectable Canadians were long left out of the commission of the peace, without any adequate cause; and it is still more undeniable, that most disreputable persons of both races have found their way into it, and still continue to abuse the power thus vested in them. Instances of indiscretion, of ignorance, and of party feeling, and accusations of venality, have been often adduced by each party. Whether these representations be exaggerated or not, or whether they apply to a small or to a large portion of the magistracy, it is undeniable that the greatest want of confidence in the practical working of the institution exists; and I am therefore of opinion that, whilst this state of society continues, and, above all, in the present exasperation of parties, a small stipendiary magistracy would be much better suited to both Upper and Lower Canada.

The police of the Province has always been lamentably defective. No city, from the lawless and vicious character of a great part of its population, requires a more vigilant police than Quebec. Until May, 1836, the police of this city was regulated by an act which then expired, and was not renewed, and it consisted of forty-eight watchmen, half of whom served every night for the whole town. The day police consisted of six constables, who were under no efficient controul. On the expiration of this act there was no night police at all, and murders occurring in the streets, the inhabitants formed a voluntary patrol for the upper town.—Lord Gosford, in December, 1837, appointed Mr. Young inspector of police, with eight policemen under him; a serjeant and eight men of the Volunteer Seamen's Company were placed under his order; and another magistrate had a corporal and twelve men of the same company for the police of the lower town. Finding their force wholly insufficient, receiving daily complaints, and witnessing daily instances of disorder and neglect, and above all being much pressed to increase the police by the owners of vessels, who had no power of restraining the desertion of their crews, I ordered a regular police of thirty-two men to be organized on the plan of the London police in June last. This body was further augmented in October to seventy-five; and this number is represented to me by the inspector as by no means more than sufficient.

In Montreal, where no approach to a general system of police had been made, I directed Mr. Leclerc, who had been appointed a stipendiary magistrate by Lord Gosford, to organise a force similar to that of Quebec. The number of this is now carried, I think, as high as 100.

Throughout the rest of the Province, where the functions of a police used to be discharged by the militia, that body being now disorganised,

there is, in fact, no police at all. In the course of the autumn, I was informed by Mr. Young, that at St. Catharine's, forty-six miles from Quebec, a man, after notoriously committing an assault with intent to murder, was still at large a fortnight after the act; and that no means had been found of executing a warrant issued against him by a county magistrate. As the only means of enforcing the law, Mr. Young was authorised to send policemen sworn in as special constables, the place being out of his jurisdiction; and by them the arrest was effected. When Theller and Dodge escaped from the citadel, and were supposed to have taken the direction of the Kennebec road, no means existed of stopping their flight, except by sending the police of Quebec to the very frontier of the United States.

As there was no rural police, the same step had been taken in the case of a deserter.

In the course of the preceding account, I have already incidentally given a good many of the most important details of the provision for education made in Lower Canada. I have described the general ignorance of the people, and the abortive attempt which was made, or rather which was professed to be made, for the purpose of establishing a general system of public instruction; I have described the singular abundance of a somewhat defective education which exists for the higher classes, and which is solely in the hands of the Catholic Priesthood. It only remains that I should add, that though the adults who have come from the old country are generally more or less educated, the English are hardly better off than the French, for the means of education for their children—and indeed possess scarcely any, except in the Cities.

There exists at present no means of college education for Protestants in the Province; and the desire of obtaining general, and still more professional instruction, yearly draws a great many young men into the United States.

I can, indeed, add little to the general information possessed by the Government, respecting the great deficiency of instruction, and of the means of education in this Province. The Commissioner whom I appointed to inquire into the state of education in the Province, endeavoured very properly to make inquiries so minute and ample, that the real state of things should be laid fully open; and with this view he had, with great labour, prepared a series of questions, which he had transmitted to various persons in every parish. At the time when his labours were brought to a close, together with mine, he had received very few answers; but as it was desirable that the information which he had thus prepared the means of obtaining should not be lost, a competent person has been engaged to receive and digest the returns. Complete information respecting the state of education, and of the result of past attempts to instruct the people, will thus, before long, be laid before the Government.

The inquiries of the Commissioner were calculated to inspire but slender hopes of the immediate practicability of any attempt to establish a general and sound system of education for the Province. Not that the people themselves are indifferent or opposed to such a scheme. I was rejoiced to find that there existed, among the French population, a very general and deep sense of their own deficiencies in this respect: and a great desire to provide means for giving their children those advantages which had been denied to themselves. Among the English the same desire was equally felt; and I believe that the population of either origin would be willing to submit to local assessments for this purpose.

The inhabitants of the North American Continent, possessing an amount of material comfort, unknown to the peasantry of any other part of the world, are generally very sensible to the importance of education. And the noble provision which every one of the Northern States of the Union has gloried in establishing for the education of its youth, has excited a general spirit of emulation amongst the neighbouring Provinces, and a desire, which will probably produce some active efforts, to improve their own educational institutions.

It is, therefore, much to be regretted, that there appear to exist obstacles to the establishment of such a general system of instruction as would supply the wants, and, I believe, meet the wishes of the entire population.

The Catholic clergy, to whose exertions the French and Irish population of Lower Canada are indebted for whatever means of education they have ever possessed, appear to be very unwilling that the state should in any way take the instruction of youth out of their hands. Nor do the clergy of some other denominations exhibit generally a less desire to give to education a sectarian character, which would be peculiarly mischievous in this Province, inasmuch as its inevitable effect would be to aggravate and perpetuate the existing distinctions of origin. But as the laity of every denomination appear to be opposed to these narrow views, I feel confident that the establishment of a strong popular government in this Province would very soon lead to the introduction of a liberal and general system of public education.

I am grieved to be obliged to remark, that the British Government has, since its possession of this Province done, or even attempted, nothing for the promotion of general education. Indeed the only matter in which it has appeared in connection with the subject, is one by no means creditable to it. For it has applied the Jesuits' estates, part of the property destined for purposes of education, to supply a species of fund for secret service, and for a number of years it has maintained an obstinate struggle with the Assembly, in order to continue this misappropriation.

Under the head of the Hospitals, Prisons, and Charitable Institutions of Lower Canada, I beg to refer to some valuable information collected, by my direction, by Sir John Doratt, during the exercise of his office of Inspector General of Hospitals, and Charitable and Literary Institutions, which will be found in a separate part of the appendix to this report. I regret that the pressure of more urgent subjects did not allow me time to institute into these subjects, so searching and comprehensive an inquiry as I should have desired to make in other circumstances. But there are some points brought under my notice by Sir John Doratt, to which I think it important that the attention of Your Majesty's Government should be directed without delay. I advert to the existing want of any public establishment for the reception of insane persons either in Lower or Upper Canada; to the bad state of the prisons in general, and especially the disgraceful condition of the gaol of the city of Quebec; to the defects of the quarantine station at Grosse Isle; to the low and ignorant state of the medical profession throughout the rural districts; and to the necessity of a change in the system of providing for the insane, the invalid poor, and foundlings, by payments of public moneys to convents for that purpose. It is evident that considerable abuses exist in the management of several philanthropic institutions. I have adverted, in another part of my report, to the subject of pauperism, as connected with emigration; and the evidence there cited is in some respects confirmed, by the information communicated by Sir John Doratt.

It is a subject of very just congratulation, that religious differences have hardly operated as an additional cause of dissension in Lower Canada; and that a degree of practical toleration, known in very few communities, has existed in this colony from the period of the conquest down to the present time.

The French Canadians are exclusively Catholics, and their church has been left in possession of the endowments which it had at the conquest. The right to tithe is enjoyed by their priests; but as it is limited by law to lands of which the proprietor is a Catholic, the priest loses his tithe the moment that an estate passes, by sale or otherwise, into the hands of a Protestant. This enactment, which is at variance with the true spirit of national endowments for religious purposes, has a natural tendency to render the clergy averse to the settlement of Protestant in the seigniories. But the Catholic priesthood of this Province have, to a very remarkable degree, conciliated the good will of persons of all creeds; and I know of no parochial clergy in the world whose practice of all the Christian virtues, and zealous discharge of their clerical duties, is more universally admitted, and has been productive of more beneficial consequences.—Possessed of incomes sufficient, and even large, according to the notions entertained in the country, and enjoying the advantage of education, they have lived on terms of equality and kindness with the humblest and least instructed inhabitants of the rural districts. Intimately acquainted with the wants and characters of their neighbours, they have been the promoters and dispensers of charity, and the effectual guardians of the morals of the people; and in the general absence of any permanent institutions of civil government, the Catholic church has presented almost the only semblance of stability and organization, and furnished the only effectual support for civilization and order. The Catholic clergy of Lower Canada are entitled to this expression of my esteem, not only because it is founded on truth, but because a grateful recognition of their eminent services, in resisting the arts of the disaffected, is especially due to them from one who has administered the government of the Province in these troubled times.

The Constitutional Act, while limiting the application of the Clergy Reserves in the Townships to a Protestant Clergy, made no provision for the extension of the Catholic Clerical institution, in the event of the French population settling beyond the limits of the Seigniories. Though I believe that some power exists, and has been in a few cases used, for the creation of new Catholic Parishes, I am convinced that this absence of the means of religious instruction has been the main cause of the indisposition of the French population to seek new settlements, as the increase of their numbers pressed upon their resources. It has been rightly observed, that the religious observances of the French Canadians are so intermingled with all their business and all their amusements, that the Priest and the Church are with them, more than with any other people, the centres of their little communities. In order to encourage them to spread their population, and to seek for comfort and prosperity in new settlements, a wise Government would have taken care to aid, in every possible way, the diffusion of their means of religious instruction.

The Protestant population of Lower Canada have been, of late, somewhat agitated by the question of the Clergy Reserves. The meaning of the ambiguous phrase "Protestant Clergy," has been discussed with great ardour in various quarters; and each disputant has displayed his inge-

nuity in finding reasons for a definition in accordance with his own inclination, either to the aggrandizment of his own set, or the establishment of religious equality. Owing to the small numbers of the British population—to the endowment of the Catholic Church, in most of the peopled and important Districts of the Colony—and, above all, to the much more formidable and extensive causes of dissension existing in the Province, the dispute of the various Protestant denominations for the funds reserved for a "Protestant Clergy," has not assumed the importance which it has acquired in Upper Canada. In my account of that Province, I shall give a more detailed explanation of the present position of this much-disputed question. I have reason to know, that the apprehension of measures tending to establish the predominance of a particular creed and Clergy, has produced an irritation in this Province, which has very nearly deprived the Crown of the support of some portions of the British population, in a period of very imminent danger. I must therefore most strongly recommend, that any plan by which the question of Clergy Reserves shall be set at rest in Upper Canada, should also be extended to the Lower Province. The endowments of the Catholic Church, and the services of its numerous and zealous Parochial Clergy, have been of the greatest benefit to the large body of Catholic emigrants from Ireland, who have relied much on the charitable as well as religious aid, which they have received from the Priesthood. The Priests have an almost unlimited influence over the lower classes of Irish; and this influence is said to have been very vigorously exerted last winter, when it was much needed, to secure the loyalty of a portion of the Irish during the troubles. The general loyalty exhibited by the Irish settlers in the Canadas during the last winter, and the importance of maintaining it unimpaired in future times of difficulty, render it of the utmost moment that the feelings and interests of the Catholic Clergy and population, should invariably meet with due consideration from the Government.

Setting on one side the management of the Crown Lands, and the revenue derived therefrom, which will be treated of fully in another part, it is not necessary that I should, on the present occasion, enter into any detailed account of the financial system of Lower Canada, my object being merely to point out the working of the general system of Government, as operating to produce the present condition of the Province. I need not inquire whether its fiscal, monetary or commercial arrangements, have been in accordance with the best principles of public economy.—But I have reason to believe, that improvements may be made in the mode of raising and expending the Provincial revenue. During my stay in Canada, the evils of the banking and monetary systems of the Province forced themselves on my attention. I am not inclined, however, to regard these evils as having been in anywise influential in causing the late disorders. I cannot regard them as indicative of any more mismanagement or error, than are observable in the measures of the best Governments, with respect to questions of so much difficulty; and though the importance of finding some sufficient remedy for some of these disorders has, as I shall hereafter explain, very materially influenced my views of the general plan to be adopted for the Government of this and the other North American Colonies, I regard the better regulation of the financial and monetary systems of the Province as a matter to be settled by the local Government, when established on a permanent basis.

With the exception of the small amount now derived from the casual and territorial funds, the public revenue of Lower Canada is derived from

duties imposed, partly by Imperial and partly by Provincial statutes.—These duties are, in great proportion, levied upon articles imported into the colony from Great Britain and foreign countries; they are collected at the principal ports by officers of the imperial customs.

The amount of the revenue has within the last four years diminished from about £150,000 to little more than £100.000 per annum. This diminution is ascribed principally to the decreased consumption of spirituous liquors, and some other articles of foreign import, in consequence of the growth of native manufactures of such articles. Nevertheless, as the permanent expenditure of the civil government only amounts to about £60,000 a year, there remains still a considerable surplus to be disposed of for local purposes, in the mischievous manner which I have described in the preceding pages. A vigorous and efficient government would find the whole revenue hardly adequate to its necessities: but in the present state of things, I consider the existence and application of this surplus revenue as so prejudicial, that I should, as the less of two evils, recommend a reduction of the duties levied, were it possible to do this without an equal diminution of the revenue of Upper Canada, which can by no means afford it.

The financial relations between these two Provinces are a source of great and increasing disputes. The greater part, almost the whole of the imports of Upper Canada entering at the ports of Lower Canada, the Upper Province has urged and established its claim to a proportion of the duties levied on them. This proportion is settled, from time to time, by commissioners appointed from each Province. Lower Canada now receives about three, and Upper Canada about two fifths of the whole amount; nor is this the greatest cause of dissension and dissatisfaction. The present revenue of Upper Canada being utterly inadequate to its expenditure, the only means that that Province will have of paying the interest of its debt, will be by increasing its Customs' duties. But as these are almost all levied in Lower Canada, this cannot be done without raising the taxation also of the Lower Canadians, who have, as it is, a large surplus revenue. It was for the better settlement of these points of difference, that the union of the two Canadas was proposed in 1822; and the same feeling produces a great part of the anxiety now manifested for that measure by a portion of the people of Upper Canada.

A considerable revenue is raised from all these Provinces by the Post-office establishment common to all of them, and subordinate to the General Post-office in England. The surplus revenue, which appears from a report to the House of Assembly to amount to no less than £10,000 per annum, is transmitted to England. The Assembly made it a matter of great complaint that, an important internal public institution of the Provinces should be entirely regulated and administered by the rulers and servants of an English public office, and that so large an amount of revenue, raised entirely without the consent of the colonies, in a manner not at all free from objections, should be transmitted to the mother country.* I cannot but say that there is great justice in these complaints,

* "The privilege of franking, possessed by a few public officers in this Province, is of a singular kind. For, as it it is necessary for the public service that such a privilege should be exercised, and as the English Office accords no immunities to the functionaries of a Colonial Government, the postage is charged on all franked letters, and the Provincial Treasury has to pay the amount over to the Post Office. This, in fact, destroys in a great measure the utility of the privilege for public purposes; because public Officers are unwilling to use the post for their communications, when their doing so diminishes the revenues of the Province."

and I am decidedly of opinion that if any plan of an united government of these Provinces should be adopted, the controul and revenue of the post-office should be given up to the colony.

For the reasons I have before explained, there is hardly the semblance of direct taxation in Lower Canada for general and local purposes.—This immunity from taxation has been sometimes spoken of as a great privilege of the people of Lower Canada, and a great proof of the justice and benevolence of their government. The description which I have given of the singularly defective provision made for the discharge of the most important duties of both the general and the local government will, I think, make it appear that this apparent saving of the pockets of the people, has been caused by their privation of many of the institutions which every civilized community ought to possess. A people can hardly be congratulated on having had at little cost a rude and imperfect administration of justice, hardly the semblance of police, no public provision for education, no lighting, and bad pavements in its cities, and means of communication so imperfect, that the loss of time, and wear and tear caused in taking any article to market, may probably be estimated at ten times the expense of good roads. If the Lower Canadians had been subjected, or rather had been taught to subject themselves, to a much greater amount of taxation, they would probably at this time have been a much wealthier, a much better governed, a much more civilized, and a much more contented people.

UPPER CANADA.

The information which I have to give respecting the state of Upper Canada not having been acquired in the course of my actual administration of the Government of that Province, will necessarily be much less ample and detailed than that which I have laid before your Majesty respecting Lower Canada. My object will be to point out the principal causes to which a general observation of the Province induces me to attribute the late troubles; and even this task will be performed with comparative ease and brevity, inasmuch as I am spared the labour of much explanation and proof, by being able to refer to the details which I have given, and the principles which I have laid down, in describing the institutions of the Lower Province.

At first sight it appears much more difficult to form an accurate idea of the state of Upper, than of Lower Canada. The visible and broad line of demarcation which separates parties by the distinctive characters of race, happily has no existence in the Upper Province. The quarrel is one of an entirely English, if not British, population. Like all such quarrels, it has, in fact, created not two, but several parties; each of which has some objects in common with some one of those to which it is opposed. They differ on one point and agree on another; the sections which unite together one day, are strongly opposed the next; and the very party which acts as one against a common opponent, is in truth composed of divisions seeking utterly different or incompatible objects. It is very difficult to make out from the avowals of parties the real objects of their struggles, and still less easy is it to discover any cause of such importance as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of government.

The peculiar geographical character of the Province greatly increases the difficulty of obtaining very accurate information. Its inhabitants scattered along an extensive frontier, with very imperfect means of communication, and a limited and partial commerce, have, apparently, no unity of interest or opinion. The Province has no great centre with which all the separate parts are connected, and which they are accustomed to follow in sentiment and action; nor is there that habitual intercourse between the inhabitants of different parts of the country, which, by diffusing through all a knowledge of the opinions and interests of each, makes a people one and united, in spite of extent of territory and dispersion of population. Instead of this, there are many petty local centres, the sentiments and the interests (or at least what are fancied to be so) of which, are distinct, and perhaps opposed. It has been stated to me by intelligent persons from England, who had travelled through the Province for purposes of business, that this isolation of the different districts from each other was strikingly apparent in all attempts to acquire information in one district respecting the agricultural or commercial character of another; and that not only were very gross attempts made to deceive an inquirer on these points, but that even the information which had been given in a spirit of perfect good faith, generally turned out to be founded in great misapprehension. From these causes a stranger who visits any one of these local centres, or who does not visit the whole, is almost necessarily ignorant of matters, a true knowledge of which is essential to an accurate comprehension of the real position of parties, and of the political prospects of the country.

The political contest which has so long been carried on in the Assembly and the press, appears to have been one exhibiting throughout its whole course the characteristic features of the purely political part of the contest in Lower Canada; and, like that, originating in an unwise distribution of power in the constitutional system of the Province. The financial disputes which so long occupied the contending parties in Lower Canada, were much more easily and wisely arranged in the Upper Province; and the struggle, though extending itself over a variety of questions of more or less importance, avowedly and distinctly rested on the demand for responsibility in the executive government.

In the preceding account of the working of the constitutional system in Lower Canada, I have described the effect which the irresponsibility of the real advisers of the Governor had in lodging permanent authority in the hands of a powerful party, linked together not only by common party interests, but by personal ties. But in none of the North American Provinces has this exhibited itself for so long a period, or to such an extent, as in Upper Canada, which has long been entirely governed by a party commonly designated through the Province as the "family compact," a name not much more appropriate than party designations usually are, inasmuch as there is, in truth, very little of family connection among the persons thus united. For a long time this body of men, receiving at times accessions to its numbers, possessed almost all the highest public offices, by means of which, and of its influence in the Executive Council, it wielded all the powers of government; it maintained influence in the Legislature by means of its predominance in the Legislative Council; and it disposed of the large number of petty posts which are in the patronage of the government all over the Province. Successive Governors, as they

came in their turn, are said to have either submitted quietly to its influence, or, after a short and unavailing struggle, to have yielded to this well-organized party the real conduct of affairs. The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party; by grant or purchase they have acquired nearly the whole of the waste lands of the Province; they are all-powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all offices of trust and profit. The bulk of this party consists, for the most part, of native-born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States; the principal members of it belong to the church of England, and the maintenance of the claims of that church has always been one of its distinguishing characteristics.

A monopoly of power so extensive and so lasting could not fail, in process of time, to excite envy, create dissatisfaction, and ultimately provoke attack; and an opposition consequently grew up in the Assembly, which assailed the ruling party, by appealing to popular principles of Government—by denouncing the alleged jobbing and profusion of the official body—and by instituting inquiries into abuses, for the purpose of promoting reform, and especially economy. The question of the greatest importance, raised in the course of these disputes, was that of the disposal of the Clergy Reserves; and, though different modes of applying these lands, or rather the funds derived from them, were suggested, the Reformers, or Opposition, were generally very successful in their appeals to the people against the project of the Tory, or official party, which was that of devoting them exclusively to the maintenance of the English Episcopal Church. The Reformers, by successfully agitating this and various economical questions, obtained a majority. Like almost all popular Colonial parties, it managed its power with very little discretion and skill—offended a large number of the constituencies—and, being baffled by the Legislative Council, and resolutely opposed by all the personal and official influence of the official body—a dissolution again placed it in a minority in the Assembly. This turn of fortune was not confined to a single instance; for neither party has for some time possessed the majority in two successive Parliaments. The present is the fifth of these alternating Houses of Assembly.

The Reformers, however, at last discovered that success in the elections insured them very little practical benefit; for the official party, not being removed when it failed to command a majority in the Assembly, still continued to wield all the powers of the Executive Government—to strengthen itself by its patronage—and to influence the policy of the Colonial Governor, and of the Colonial Department at home. By its secure majority in the Legislative Council, it could effectually control the legislative powers of the Assembly. It could chose its own moment for dissolving hostile Assemblies; and could always insure, for those that were favourable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the Reformers found that their triumph at elections could not, in any way, facilitate the progress of their views, while the Executive Government remained constantly in the hands of their opponents. They rightly judged that, if the higher offices and the Executive Council were always held by those who could command a majority in the Assembly, the constitution of the Legislative Council was a matter of very little moment; inasmuch as the advisers of the Governor could always take care, that its

composition should be modified, so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the responsibility of the Executive Council; and I cannot help contrasting the practical good sense of the English Reformers of Upper Canada, with the less prudent course of the French majority in the Assembly of Lower Canada, as exhibited in the different demands of constitutional change, most earnestly pressed by each. Both, in fact, desired the same object—namely, an extension of popular influence in the Government. The Assembly of Lower Canada attacked the Legislative Council—a body, of which the constitution was certainly the most open to obvious theoretical objections on the part of all the advocates of popular institutions; but, for the same reason, most sure of finding powerful defendants at home. The Reformers of Upper Canada paid little attention to the composition of the Legislative Council, and directed their exertions to obtaining such an alteration of the Executive Council as might have been obtained without any derangement of the constitutional balance of power; but they well knew, that if once they obtained possession of the Executive Council, and the higher offices of the Province, the Legislative Council would soon be unable to offer any effectual resistance to their meditated reforms.

It was upon this question of the responsibility of the Executive Council, that the great struggle has, for a long time, been carried on between the official party and the Reformers; for the official party, like all parties long in power, was naturally unwilling to submit itself to any such responsibility as would abridge its tenure, or cramp its exercise of authority. Reluctant to acknowledge any responsibility to the people of the Colony, this party appears to have paid a somewhat refractory and nominal submission to the Imperial Government—relying, in fact, on securing a virtual independence, by this nominal submission to the distant authority of the Colonial Department, or to the powers of a Governor, over whose policy they were certain, by their facilities of access, to obtain a paramount influence.

The views of the great body of reformers appear to have been limited, according to their favourite expression, to the making the colonial constitution "an exact transcript of that of Great Britain"; and they only desired that the Crown should, in Upper Canada, as at home, intrust the administration of affairs to men possessing the confidence of the Assembly. It cannot be doubted, however, that there were many of the party who wished to assimilate the institutions of the Province rather to those of the United States than to those of the mother country. A few persons, chiefly of American origin, appear to have entertained these designs from the outset; but the number had at last been very much increased by the despair which many of those who started with more limited views, conceived of their being ever carried into effect, under the existing form of government.

Each party, while it possessed the ascendancy, has been accused by its opponents of having abused its power over the public funds, in those modes of local jobbing which I have described as so common in the North American Colonies. This, perhaps, is to be attributed partly to the circumstances adverted to above, as increasing the difficulty of obtaining any accurate information as to the real circumstances of the Province. From these causes it too often happened, that the members of the House of Assembly come to the meeting of the legislature ignorant of the real character of the general interests intrusted to their guardianship, intent only on promoting sectional objects, and anxious chiefly to secure for the county they happen to represent, or the district with which they are connected, as large a proportion as possible of any funds which the legislature may have at its disposal. In Upper Canada, however, the means of doing this were never so extensive as those possessed by the Lower Province; and the great works which the Province

commenced on a very extended scale, and executed in a spirit of great carelessness and profusion, have left so little surplus revenue, that this Province alone among the North American Colonies has, fortunately for itself, been compelled to establish a system of local assessments, and to leave local works, in a great measure, to the energy and means of the localities themselves. It is asserted, however, that the nature of those great works, and the manner in which they were carried on, evinced merely a regard for local interests, and a disposition to strengthen party influence. The inhabitants of the less thickly peopled districts complained, that the revenues of the Province were employed in works by which only the frontier population would benefit. The money absorbed by undertakings which they described as disproportioned to the resources and to the wants of the Province would, they alleged, have sufficed to establish practicable means of communication over the whole country; and they stated, apparently not without foundation, that had this latter course been pursued, the population and the resources of the Province would have been so augmented as to make the works actually undertaken both useful and profitable. The carelessness and profusion which marked the execution of these works, the management of which, it was complained, was intrusted chiefly to members of the ruling party, were also assumed to be the result of a deliberate purpose, and to be permitted, if not encouraged, in order that a few individuals might be enriched at the expense of the community. Circumstances to which I shall hereafter revert, by which the further progress of these works has been checked, and the large expenses incurred in bringing them to their present state of forwardness have been rendered unavailing, have given greater force to these complaints, and, in addition to the discontent produced by the objects of the expenditure, the governing party has been made responsible for a failure in the accomplishment of these objects, attributable to causes over which it had no control. But, to whatever extent these practices may have been carried, the course of the parliamentary contest in Upper Canada has not been marked by that singular neglect of the great duties of a legislative body, which I have remarked in the proceedings of the parliament of Lower Canada. The statute book of the Upper Province abounds with useful and well-constructed measures of reform, and presents an honourable contrast to that of the Lower Province.

While the parties were thus struggling, the operation of a cause, utterly unconnected with their disputes, suddenly raised up a very considerable third party, which began to make its appearance among the political disputants about the time the quarrel was at its height. I have said that in Upper Canada there is no animosity of races; there is nevertheless a distinction of origin, which has exercised a very important influence on the composition of parties, and appears likely, sooner or later, to become the prominent and absorbing element of political division. The official and reforming parties, which I have described, were both composed, for the most part, and were almost entirely led, by native-born Canadians, American settlers or emigrants, of a very ancient date; and as one section of this, more ancient population, possessed, so another was the only body of persons that claimed, the management of affairs, and the enjoyment of offices conferring emolument or power, until the extensive emigration from Great Britain, which followed the disastrous period of 1825 and 1826, changed the state of things, by suddenly doubling the population, and introducing among the ancient disputants for power an entirely new class of persons. The new-comers, however, did not for a long time appear as a distinct party in the politics of Upper Canada. A large number of the higher class of emigrants, particularly the half-pay officers, who were induced to settle in this Province, had belonged to the Tory party in England, and, in conformity with their ancient predilections, naturally arrayed themselves on the side of the official party, contending with the representatives of the people. The mass of the humbler order of emigrants, accustomed in the mother country to complain of the corruption and profusion of the Government, and to seek for a reform of abuses by increasing the popular influence in the representative body, arrayed themselves on the side of those who represented the people, and attacked oligarchical power and abuses; but there was still a great difference of opinion

between each of the two Canadian parties and that section of the British which for a while acted with it Each of the Canadian parties, while it differed with the other about the tenure of political powers in the colony, desired almost the same degree of practical independence of the mother country; each felt and each betrayed in its political conduct a jealousy of the emigrants, and a wish to maintain the powers of office and the emoluments of the professions in the hands of persons born or long resident in the the colony. The British, on the contrary, to whichever party they belong, appear to agree in desiring that the connexion with the mother country should be drawn closer. They differ very little among themselves, I imagine, in desiring such a change as should assimilate the government of Upper Canada, in spirit as well as in form, to the government of England, retaining an executive sufficiently powerful to curb popular excesses, and giving to the majority of the people, or to such of them as the less liberal would trust with political rights, some substantial control over the administration of affairs. But the great common object was, and is, the removal of those disqualifications to which British emigrants are subject, so that they might feel as citizens, instead of aliens, in the land of their adoption.

Such was the state of parties when Sir F Head, on assuming the government of the colony, dismissed from the Executive Council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them. Two of these gentlemen, Dr. Rolph and Mr. R. Baldwin, were connected with the reforming party, and the third, Mr. Dunn, was an Englishman, who had held the office of Receiver-General for nearly 14 years, and up to that time had abstained from any interference in politics These gentlemen were at first reluctant to take office, because they feared that, as there were still three of the former Council left, they would be constantly maintaining a doubtful struggle for the measures which they considered necessary. They were, however, at length induced to forego their scruples, chiefly upon the representations of some of their friends, that when they had a Governor who appeared sincere in his professions of reform, and who promised them his entire confidence, it was neither generous nor prudent to persist in a refusal which might be taken to imply distrust of his sincerity, and they accordingly accepted office. Among the first acts of the Governor, after the appointment of this council, was, however, the nomination to some vacant offices of individuals, who were taken from the old official party, and this without any communication with his Council These appointments were attacked by the House of Assembly, and the new Council, finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, remonstrated privately on the subject with the Governor. Sir Francis desired them to make a formal representation to him on the subject; they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the differences which had caused the resignation was made the subject of communication between the Governor and the Assembly, so that the whole community were informed of the grounds of the dispute.

The contest which appeared to be thus commenced on the question of the responsibility of the Executive Council was really decided on very different grounds Sir F. Head, who appears to have thought that the maintenance of the connexion with Great Britain depended upon his triumph over the majority of the assembly, embarked in the contest with a determination to use every influence in his power in order to bring it to a successful issue. He succeeded, in fact, in putting the issue in such a light before the Province, that a great portion of the people really imagined that they were called upon to decide the question of separation by their votes. The dissolution, on which he ventured when he thought the public mind sufficiently ripe, completely answered his expectations. The British, in particular, were roused by the proclaimed danger to the connexion with the mother country; they were indignant at some portions of the conduct and speeches of certain members of the late majority, which seemed to mark a determined preference of American over British institutions. They were irritated by indications of hos-

tility to British emigration. which they saw, or fancied they saw, in some recent proceedings of the Assembly. Above all, not only they, but a great many others, had marked with envy the stupendous public works which were at that period producing their effect in the almost marvellous growth of the wealth and population of the neighbouring state of New York; and they reproached the Assembly with what they considered an unwise economy in preventing the undertaking, or even completion, of similar works, that might, as they fancied, have produced a similar development of the resources of Upper Canada. The general support of the British determined the elections in favour of the Government; and though very large and close minorities, which in many cases supported the defeated candidates, marked the force which the Reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the Crown, by its representative, appeared to make itself a party in an electioneering contest, the result was the return of a very large majority, hostile in politics to that of the late Assembly.

It is rather singular, however, that the result which Sir F. Head appears really to have aimed at was by no means secured by this apparent triumph. His object in all his previous measures, and in the nomination of the Executive Councillors, by whom he replaced the retiring members, was evidently to make the council a means of administrative independence for the Governor. Sir F. Head would seem to have been, at the commencement of his administration, really desirous of effecting certain reforms which he believed to be needful, and of rescuing the substantial power of the government from the hands of the party by which it had been so long monopolized. The dismissal of the old members of the Executive Council was the consequence of this intention; but, though willing to take measures for the purpose of emancipating himself from the thraldom in which it was stated that other Governors had been held, he could not acquiesce in the claims of the House of Assembly to have a really responsible Colonial Executive. The result of the elections was to give him, as he conceived, a House of Assembly pledged to support him, as Governor, in the exercise of the independent authority he had claimed. On the very first occasion, however, on which he attempted to protect an officer of the Government, unconnected with the old official party, from charges which, whether well or ill founded, were obviously brought forward on personal grounds, he found that the new house was even more determined than its predecessor to assert its right to exercise a substantial control over the Government; and that unless he was disposed to risk a collision with both branches of the Legislature, then composed of similar materials, and virtually under one influence, he must succumb. Unwilling to incur this risk, when, as he justly imagined, there was no party upon whose support he could rely to bear him safely through the contest, he yielded the point. Although the committee appointed to inquire into the truth of the charges made against Mr. Hepburn refused to adopt a report confirming these charges prepared by their chairman (by whom the accusation had been brought forward, and by whom the committee was virtually nominated), Sir F. Head persuaded the individual in question to resign his office, and to take one of very inferior emolument From that time he never attempted to assert the independence which the new House of Assembly had been elected to secure. The Government consequently reverted in effect to the party which he had found in office when he assumed the governorship, and which it had been his first act to dispossess. In their hands it still remains; and I must state that it is the general opinion that never was the power of the "family compact" so extensive or so absolute as it has been from the first meeting of the existing Parliament down to the present time

It may, indeed, be fairly said, that the real result of Sir F. Head's policy was to establish that very administrative influence of the leaders of a majority in the Legislature which he had so obstinately disputed. The Executive Councillors of his nomination, who seem to have taken office almost on the express condition of being mere ciphers, are not, in fact then, the real Government of the Province. It is said that the new officers of Government whom Sir F. Head appointed from

without the pale of official eligibility feel more apprehension of the present house than, so far as can be judged, was ever felt by their predecessors with regard to the most violent of the reforming Houses of Assembly. Their apprehension, however, is not confined to the present house; they feel that, under no conceivable contingency, can they expect an Assembly disposed to support them; and they accordingiy appear to desire such a change in the colonial system as might make them dependent upon the Imperial Government alone, and secure them against all interference from the Legislature of the Provinee, whatever party should obtain a preponderance in the Assembly.

While the nominal Government thus possesses no real power, the Legislature, by whose leaders the substantial power is enjoyed, by no means possesses so much of the confidence of the people as a Legislature ought to command, even from those who differ from it on the questions of the day. I say this without meaning to cast any imputation on the members of the House of Assembly, because, in fact, the circumstances under which they were elected were such as to render them peculiarly objects of suspicion and reproach to a number of their countrymen. They were accused of having violated their pledges at the election. It is said that many of them came forward, and were elected, as being really Reformers, though opposed to any such claims to colonial independence as might involve a separation from the mother country. There seems to be no doubt that in several places where the Tories succeeded, the electors were merely desirous of returning members who would not hazard any contest with England by the assertion of claims which, from the proclamation of the Lieutenant-Governor, they believed to be practically needless; and who should support Sir F. Head in those economical reforms which the country desired far more than political changes---- reforms, for the sake of which alone political changes had been sought. In a number of other instances, too, the elections were carried by the unscrupulous exercise of the influence of the Government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities. It was stated, but I believe without any sufficient foundation, that the Government made grants of land to persons who had no title to them, in order to secure their votes. This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places, to be given to the individuals entitled to them, if they were disposed to vote for the Government candidate. The taking such measures, in order to secure their fair right of voting to the electors in a particular interest, must be considered rather as an act of official favouritism, than as an electoral fraud. But we cannot wonder that the defeated party put the very worst construction on acts which gave some ground for it; and they conceived, in consequence, a strong resentment against the means by which they believed that the representative of the Crown had carried the elections, his interference in which in any way was stigmatized by them as a gross violation of constitutional privilege and propriety.

It cannot be matter of surprise, that such facts and such impressions produced in the country, an exasperation and a despair of good Government, which extended far beyond those who had actually been defeated at the poll. For there was nothing in the use which the leaders of the Assembly have made of their power, to soften the discontent excited by their alleged mode of obtaining it. Many even of those who had supported the successful candidates, were disappointed in every expectation which they had formed of the policy to be pursued by their new representatives. No economical reforms were introduced. The Assembly, instead of supporting the Governor, compelled his obedience to itself, and produced no change in the administration of affairs, except that of re-instating the "Family Compact" in power. On some topics, on which the feelings of the people were very deeply engaged, as for instance the Clergy Reserves, the Assembly is accused of having shown a disposition to act in direct defiance of the known sentiments of a vast majority of its constituents. The dissatisfaction arising from these causes was carried to its height by an act, that appeared in defiance of all Constitutional right, to prolong the power of a majority which, it was supposed, counted on not being able to retain its

existence after another appeal to the people. This was the passing an Act preventing the dissolution of the existing, as well as any future Assembly, on the demise of the Crown. The Act was passed in expectation of the approaching decease of His late Majesty; and it has, in fact, prolonged the existence of the present Assembly from the period of a single year, to one of four. It is said that this step is justified by the example of the other North American Colonies. But it is certain, that it nevertheless caused very great dissatisfaction, and was regarded as an unbecoming usurpation of power.

It was the prevalence of the general dissatisfaction thus caused, that emboldened the parties who instigated the insurrection, to an attempt which may be characterised as having been as foolishly contrived and ill-conducted, as it was wicked and treasonable. This out-break, which common prudence and good management would have prevented from coming to a head, was promptly quelled by the alacrity with which the population, and especially the British portion of it, rallied round the Government. The proximity of the American frontier—the nature of the border country—and the wild and daring character, together with the periodical want of employment of its population—have, unfortunately, enabled a few desperate exiles to continue the troubles of their country, by means of the predatory gangs which have, from time to time, invaded and robbed, under the pretext of revolutionizing the Province. But the general loyalty of the population has been evinced by the little disposition that has been exhibited by any portion of it to accept of the proffered aid of the refugees and foreign invaders, and by the unanimity with which all have turned out to defend their Country.

It has not, indeed, been exactly ascertained what proportion of the inhabitants of Upper Canada were prepared to join Mackenzie, in his treasonable enterprise, or were so disposed that we may suppose they would have arrayed themselves on his side, had he obtained any momentary success, as indeed was for some days within his grasp Even if I were convinced that a large proportion of the population would, under any circumstances, have lent themselves to his projects, I should be inclined to attribute such a disposition merely to the irritation produced by those temporary causes of dissatisfaction with the Government of the Province, which I have specified, and not to any settled design on the part of any great number, either to subvert existing institutions, or to change their present connection with Great Britain for a junction with the United States. I am inclined to view the insurrectionary movements which did take place as indicative of no deep-rooted disaffection—and to believe, that almost the entire body of the Reformers of this Province sought only, by Constitutional means, to obtain those objects for which they had so long peaceably struggled, before the unhappy troubles occasioned by the violence of a few unprincipled adventurers and heated enthusiasts.

It cannot, however, be doubted, that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada A degree of discontent, approaching, if not amounting to disaffection, has gained considerable ground. The causes of dissatisfaction continue to act on the minds of the Reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself—the suspicions and terrors of that trying period—and the use made by the triumphant party of the power thrown into their hands—have heightened the passions which existed before. It certainly appeared too much as if the rebellion had been purposely invited by the Government—and the unfortunate men who took part in it deliberately drawn into a trap, by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of Reformers were subjected to suspicion, and to harassing proceedings, instituted by Magistrates whose political leanings were notoriously adverse to them. Severe laws were passed, under colour of which, individuals very generally esteemed were punished without any form of trial.

The two persons who suffered the extreme penalty of the law unfortunately engaged a great share of the public sympathy; their pardon had been solicited in petitions signed, it is generally asserted, by no less than 30,000 of their countrymen. The rest of the prisoners were detained in confinement a considerable time. A large number of the subordinate actors in the insurrection were severely punished; and public anxiety was raised to the highest pitch, by the uncertainty respecting the fate of the others, who were, from time to time, partially released.—It was not until the month of October last, that the whole of the prisoners were disposed of, and a partial amnesty proclaimed, which enabled the large numbers who had fled the country, and so long, and at such imminent hazard, hung on its frontier, to return in security to their homes. I make no mention of the reasons which, in the opinion of the local Government, rendered these different steps advisable, because my object is not to discuss the propriety of its conduct, but to point out the effect which it necessarily had in augmenting irritation.

The whole party of the Reformers—a party which I am inclined to estimate as very considerable, and which has commanded large majorities in different Houses of Assembly—has certainly felt itself assailed by the policy pursued. It sees the whole powers of Government wielded by its enemies, and imagines that it can perceive also a determination to use these powers inflexibly against all the objects which it most values. The wounded private feelings of individuals, and the defeated public policy of a party, combine to spread a wide and serious irritation; but I do not believe that this has yet proceeded so far as to induce at all, a general disposition to look to violent measures for redress. The Reformers have been gradually recovering their hopes of regaining their ascendancy by Constitutional means; the sudden pre-eminence which the question of the Clergy Reserves and Rectories has again assumed during the last summer, appears to have increased their influence and confidence; and I have no reason to believe, that anything can make them generally and decidedly desirous of separation, except some such act of the Imperial Government as shall deprive them of all hopes of obtaining real administrative power, even in the event of their again obtaining a majority in the Assembly. With such a hope before them, I believe that they will remain in tranquil expectation of the result of the general election, which cannot be delayed beyond the summer of 1840.

To describe the character and objects of the other parties in this Province would not be very easy; and their variety and complication is so great, that it would be of no great advantage were I to explain the various shades of opinion that mark each. In a very laboured essay, which was published in Toronto, during my stay in Canada, there was an attempt to classify the various parties in the Province under six different heads. Some of these were classified according to strictly political opinions—some according to religion—and some according to birth-place; and each party, it was obvious, contained in its ranks a great many who would, according to the designations used, have as naturally belonged to some other.—But it is obvious, from all accounts of the different parties, that the nominal Government, that is, the majority of the Executive Council, enjoy the confidence of no considerable party—and that the party called the "Family Compact," which possesses the majority in both branches of the Legislature, is, in fact, supported at present by no very large number of persons of any party. None are more hostile to them than the greater part of that large and spirited British born population, to whose steadfast exertions the preservation of the Colony, during the last winter, is mainly attributable—and who see, with indignation, that a monopoly of power and profit is still retained by a small body of men, which seems bent on excluding, from any participation in it, the British emigrants. Zealously co-operating with the dominant party, in resisting treason and foreign invasion, this portion of the population, nevertheless, entertains a general distrust and dislike of them; and though many of the most prominent of the British emigrants have always acted, and still invariably act, in opposition to the Reformers, and dissent from their views of responsible Government, I am very much inclined to think that they, and certainly the great mass of their countrymen, really desire such a res-

ponsibility of the Government, as would break up the present monopoly of office and influence.

Besides those causes of complaint, which are common to the whole of the Colony, the British settlers have many peculiar to themselves. The emigrants who have settled in the country within the last ten years, are supposed to comprise half the population. They complain that while the Canadians are desirous of having British capital and labour brought into the Colony, by means of which their fields may be cultivated, and the value of their unsettled possessions increased, they refuse to make the Colony really attractive to British skill and British capitalists. They say that an Englishman, emigrating to Upper Canada, is practically as much an alien in that British Colony, as he would be if he were to emigrate to the United States. He may equally purchase and hold lands, or invest his capital in trade, in one country as in the other, and he may in either exercise any mechanical avocation, and perform any species of manual labour This, however, is the extent of his privileges; his English qualifications avail him little or nothing. He cannot, if a surgeon, licensed to act in England, practise without the license of a Board of Examiners in the Province. If an attorney, he has to submit to an apprenticeship of five years, before he is allowed to practise. If a barrister, he is excluded from the profitable part of his profession; and, though allowed to practise at the bar, the permission thus accorded to him is practically of no use in a country where, as nine attorneys out of ten are barristers also, there can be no business for a mere barrister. Thus a person who has been admitted to the English bar, is compelled to serve an apprenticeship of three years to a Provincial lawyer.

By an Act passed last Session, difficulties are thrown in the way of the employment of capital in banking, which have a tendency to preserve the monopoly possessed by the Chartered Banks of the Colony, in which the Canadian party are supreme—and the influence of which is said to be employed directly as an instrument for upholding the political supremacy of the party. Under the system, also, of selling land pursued by the Government, an individual does not acquire a patent for his land until he has paid the whole of the purchase-money—a period of from four to ten years, according as his purchase is a Crown or Clergy lot; and until the patent issues he has no right to vote. In some of the new States of America, on the contrary, especially in Illinois, an individual may practise as a surgeon or lawyer almost immediately on his arrival in the country—and he has every right of citizenship after a residence of six months in the State. An Englishman is therefore, in effect, less an alien in a foreign country, than in one which forms a part of the British Empire Such are the superior advantages of the United States at present, that nothing but the feeling, that in the one country he is among a more kindred people—under the same laws—and in a society whose habits and sentiments are similar to those to which he has been accustomed—can induce an Englishman to settle in Canada, in preference to the States; and if in the former he is deprived of rights which he obtains in the latter, though a foreigner, it is not to be wondered at that he should, in many cases, give the preference to the land in which he is treated most as a citizen. It is very possible, that there are but few cases in which the departure of an Englishman from Upper Canada to the States, can be traced directly to any of these circumstances in particular; yet the state of society and of feeling which they have engendered, has been among the main causes of the great extent of re-emigration to the new States of the Union. It operates, too, still more to deter emigration from England to the Provinces: and thus both to retard the advance of the Colony, and to deprive the Mother Country of one of the principal advantages, on acconnt of which the existence of Colonies is desirable—the field which they afford for the employment of her surplus population and wealth The native Canadians, however, to whatever political party they may belong, appear to be unanimous in the wish to preserve these exclusive privileges. The course of legislation, since the tide of emigration set most strongly to the country, and while under its influence the value of all species of property was rising, and the resources of the Province were rapidly, and (for the old inhabitants) profitably developed, has been to draw a yet more marked line between the two classes, instead of obliterating the former distinctions. The

law excluding English lawyers from practise is of recent origin. The Speaker of the Reforming House of Assembly, Mr. Bidwell, was among the strongest opponents of any alteration of that law, which might render it less rigidly exclusive—and, on more than one occasion, gave his casting vote against a bill having for its object the admission of an English lawyer to practise in the Province, without serving a previous apprenticeship. This point is of more importance in a Colony than it would at first sight appear to any one accustomed only to such a state of society as exists England. The members of the legal profession are, in effect, the leaders of the people, and the class from which, in a larger proportion than from any other class, legislators are taken. It is, therefore, not merely a monopoly of profit, but, to a considerable extent, a monopoly of power—which the present body of lawyers contrive, by means of this exclusion, to secure to themselves. No man of mature age, emigrating to a Colony, could afford to lose five years of his life in an apprenticeship from which he could acquire neither learning nor skill. The few professional men, therefore, who have gone to Upper Canada, have turned their attention to other pursuits, retaining, however, a strong feeling of discontent against the existing order of things. And many who might have emigrated remain at home, or seek some other Colony, where their course is not impeded by similar restrictions.

But as in Upper Canada, under a law passed immediately after the last war with the United States, American citizens are forbidden to hold land, it is of the more consequence that the country should be made as attractive as possible to the emigrating middle classes of Great Britain, the only class from which an accession of capital, to be invested in the purchase or improvement of lands, can be hoped for. The policy of the law just referred to may well be doubted, whether the interests of the colony or of the mother country are considered, since the wealth and activity, and consequent commerce of the Province, would have been greatly augmented, had its natural advantages of soil and position been allowed to operate, in attracting those who were most aware of their existence, and eminently fitted to aid in their development; and there is great reason to believe, that the uncertainty of the titles which many Americans possess to the land on which they have squatted since the passing of this law, is the main cause of much of the disloyalty, or rather very luke-warm loyalty, evinced by that population in the Western District. But when this exclusion had been determined upon, it would at least have been wise to have removed everything that might have seemed like an obstacle in the way of those for whom the land was to be kept open, instead of closing the principal avenues to wealth or distinction against them, in a spirit of petty provincial jealously.

The great practical question, however, on which these various parties have for a long time been at issue, and which has within a very few months again become the prominent matter in debate, is that of the Clergy Reserves. The prompt and satisfactory decision of this question is essential to the pacification of Canada; and as it was one of the most important questions refered to me for investigation, it is necessary that I should state it fully, and not shrink from making known the light in which it has presented itself to my mind. The disputes on this subject are now of long standing. By the Constitutional Act a certain portion of the land in every township was set apart for the maintenance of a "Protestant Clergy." In that portion of this report which treats of the management of the waste lands, the economical mischiefs which have resulted from this appropriation of territory are fully detailed; and the present disputes relate solely to the application, and not to the mode of raising the funds, which are now derived from the sale of the clergy reserves. Under the term "Protestant Clergy," the clergy of the Church of England have always claimed the sole enjoyment of these funds. The members of the Church of Scotland have claimed to be put entirely on a level with the Church of England, and have demanded that these funds should be equally divided between both. The various denominations of Protestant Dissenters have asserted that the term includes them, and that out of these funds an equal provision should be made for all Christians who do not belong to the Church of Rome. But a great body of all Protestant denominations, and the numerous

Catholics who inhabit the Province, have maintained that any such favour towards any one, or even all of the Protestant sects, would be most unadvisable, and have either demanded the equal application of those funds to the purposes of all religious creeds whatsoever, or have urged the propriety of leaving each body of religionists to maintain its own establishment, to repeal or disregard the law, and to apply the clergy funds to the general purposes of the Government, or to the support of a general system of education.

The supporters of these different schemes having long contended in this Province, and greatly inconvenienced the Imperial Government by constant references to its decision, the Secretary of State for the Colonies proposed to leave the determination of the matter to the Provincial Legislatures, pledging the Imperial Government to do its utmost to get a Parliamentary sanction to whatever course they might adopt. Two bills in consequence passed the last House of Assembly, in which the Reformers had the ascendancy, applying these funds to the purposes of education; and both these bills were rejected by the Legislative Council.

During all this time, however, though much irritation had been caused by the exclusive claims of the Church of England, and the favour shown by the Government to one, and that a small religious community, the Clergy of that Church, though an endowed, were not a dominant priesthood. They had a far larger share of the public money than the Clergy of any other denomination, but they had no exclusive privileges, and no authority, save such as might spring from the efficient discharge of their sacred duties, or from the energy, ability, or influence of members of their body. But the last public act of Sir John Colborne before quitting the government of the Province in 1835, which was the establishment of the 57 Rectories, has completely changed the aspect of the question. It is understood that every Rector possesses all the spiritual and other privileges enjoyed by an English Rector; and that though he may have no right to levy tithes, (for even this has been made a question) he is in all other respects in precisely the same position as a Clergyman of the Established Church in England. This is regarded by all other teachers of religion in the country as having at once degraded them to a position of legal inferiority to the Clergy of the Church of England; and it has been resented most warmly. In the opinion of many persons, this was the chief predisposing cause of the recent insurrection, and it is an abiding and unabated cause of discontent. Nor is this to be wondered at. The Church of England in Upper Canada, by numbering in its ranks all those who belong to no other sect, represents itself as being more numerous than any single denomination of Christians in the country. Even admitting, however, the justice of the principle upon which this enumeration proceeds, and giving that Church credit for all that it thus claims, its number could not amount to one-third, probably not a fourth, of the population. It is not, therefore, to be expected that the other sects, three at least of whom—the Methodists, the Presbyterians, and the Catholics—claim to be individually more numerous than the Church of England, should acquiesce quietly in the supremacy thus given to it. And it is equally natural that the English Dissenters and Irish Catholics, remembering the position which they have occupied at home, and the long and painful struggle through which alone they have obtained the imperfect equality they now possess, should refuse to acquiesce for themselves in the creation of a similar establishment in their new country, and thus to bequeath to their children a strife as arduous and embittered as that from which they have so recently and imperfectly escaped.

But for this act, it would have been possible, though highly impolitic, to have allowed the Clergy Reserves to remain upon their former undetermined and unsatisfactory footing. But the question as to the application of this property must now be settled, if it is intended that the Province is to be free from violent and perilous agitation. Indeed, the whole controversy, which has been in a great measure suspended by the insurrection, was in the course of last summer revived with more heat than ever by the most inopportune arrival in the colony of opinions given by the English law officers of the Crown, in favour of the legality of the establishment of the rectories. Since that period the question has again

absorbed public attention; and it is quite clear that it is upon this practical point that issue must sooner or later be joined on all the constitutional questions to which I have previously adverted. I am well aware that there are not wanting some who represent the agitation of this question as merely the result of its present unsettled character, and who assert, that if the claims of the English church to the exclusive enjoyment of this property were established by the Imperial Parliament, all parties, however loud their present pretensions, or however vehement their first complaints, would peacefully acquiesce in an arrangement which would then be inevitable. This might be the case if the establishment of some dominant church were inevitable. But it cannot be necessary to point out that in the immediate vicinity of the United States, and with their example before the people of Canada, no injustice, real or fancied, occasioned and supported by a British rule, would be regarded in this light. The result of any determination on the part of the British Government or Legislature to give one sect a predominance and superiority would be, it might be feared, not to secure the favoured sect, but to endanger the loss of the colony, and, in vindicating the exclusive pretensions of the English church, to hazard one the fairest possessions of the British Crown.

I am bound, indeed, to state, that there is a degree of feeling and an unanimity of opinion on the question of ecclesiastical establishments over the northern part of the continent of America, which it will be prudent not to overlook in the settlement of this question. The superiority of what is called 'the voluntary principle' is a question on which I may almost say that there is no difference of opinion in the United States; and it cannot be denied that on this, as on other points, the tone of thought prevalent in the Union has exerted a very considerable influence over the neighbouring Provinces. Similar circumstances, too, have had the effect of accustoming the people of both countries to regard this question in a very different light from that in which it appears in the Old World; and the nature of the question is indeed entirely different in old and new countries. The apparent right which time and custom give to the maintenance of an ancient and respected institution cannot exist in a recently settled country, in which every thing is new; and the establishment of a dominant church there is a creation of exclusive privileges in favour of one out of many religious denominations, and that composing a small minority, at the expense, not merely of the majority, but of many as large minorities. The church, too, for which alone it is proposed that the state should provide is the church which, being that of the wealthy, can best provide for itself, and has the fewest poor to supply with gratuitous religious instruction. Another consideration which distinguishes the grounds on which such a question must be decided in old and new countries is, that the state of society in the latter is not susceptible of such an organization as is necessary for the efficiency of any church establishment of which I know, more especially of one so constituted as the established church of England; for the essence of the establishment is its parochial clergy. The services of a parochial clergy are almost inapplicable to a colony where a constantly varying population is widely scattered over the country. Any clergy there must be rather missionary than parochial.

A still stronger objection to the creation of a church establishment in this colony is, that not merely are the members of the church of England a small minority at present; but, inasmuch as the majority of emigrants are not members of the church of England, the disproportion is likely to increase, instead of disappearing, in the course of time. The mass of British emigrants will be either from the middle classes of Great Britain or the poorer classes of Ireland, the latter almost exclusively Catholics, and the former in a great proportion either Scotch Presbyterians or English Dissenters.

It is most important that this question should be settled, and so settled as to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns; and I know of no mode of doing this but by repealing all provisions in imperial acts that relate to the application of the Clergy Reserves, and the funds arising from them, leaving the disposal of the funds to the local Legislature, and acquiescing in whatever decision it may adopt. The views which I have

expressed on this subject sufficiently mark my conviction, that, without the adoption of such a course, the most mischievous practical cause of dissension will not be removed.

I feel it my duty, also, in this, as in the Lower Province, to call especial attention to the policy which has been, and which ought to be, pursued towards the large Catholic population of the Province. On this subject I have received complaints of a general spirit of intolerance and disfavour towards all persons of this creed, to which I am obliged to give considerable credit, from the great respectability and undoubted loyalty of those from whom the complaints were received. Bishop McDonell, the venerable Roman Catholic Bishop of Kingston, and Mr. Manahan, M. P. for the county of Hastings, have made representations in letters, which will be given in the appendix to this report. The Catholics constitute at least a fifth of the whole population of Upper Canada. Their loyalty was most generally and unequivocally exhibited at the late outbreak. Nevertheless, it is said that they are wholly excluded from all share in the government of the country and the patronage at its disposal. "In Upper Canada," says Mr. Manahan, there never was one Irish Roman Catholic an executive or legislative councillor, nor has one been ever appointed to any public situation of emolument and profit in the colony.'

The Irish Catholics complain very loudly and justly of the existence of Orangism in this colony. They are justly indignant that, in a Province which their loyalty and bravery have materially contributed to save, their feelings are outraged by the symbols and processions of this association. It is somewhat difficult to understand the nature and objects of the rather anomalous Orangeism of Upper Canada. Its members profess to desire to uphold the Protestant religion, but to be free from those intolerant feelings towards their Catholic countrymen which are the distinctive marks of the Irish Orangemen. They assert that the main object, to which the support of the English church is subsidiary, is to maintain the connexion with Great Britain. They have sworn, it is said, many ignorant Catholics into their body; and at their public dinners, after drinking the "pious, glorious, and immortal memory," with all the usual formality of abuse of the Catholics, they toast the health of the Cotholic Bishop, McDonell.---It would seem that their great purpose has been to introduce the machinery, rather than the tenets, of Orangeism; and the leaders probably hope to make use of this kind of permanent conspiracy and illegal organization to gain political power for themselves. In fact, the Catholics scarcely appear to view this institution with more jealousy than the Reformers of the Province. It is an Irish Tory institution, having not so much a religious as a political bearing. The Irish Catholics who have been initiated have entered it chiefly from its supposed national character, and probably with as little regard to the political as to the religious objects with which it is connected. Still the organization of this body enables its leaders to exert a powerful influence over the populace; and it is stated that at the last general election the Tories succeeded in carrying more than one seat by means of the violence of the organized mob thus placed at their disposal. It is not, indeed, at the last election only that the success of the Government candidate has been attributed to the existence of this association. At former elections, especially those for the county of Leeds, it is asserted, that the return of the Canadian Deputy Grand Master, and of the then Attorney-General, his colleague, was procured by means of a violent and riotous mob of Orangemen, who prevented the voters in the opposition interest from coming up to the poll. In consequence of this and other similar outrages, the Assembly presented an address to Sir Francis Head, begging "that his Excellency would be pleased to inform the house whether the Government of the Province had taken, or determined to take, any steps to prevent or discourage public processions of Orange societies, or to discourage the formation and continuance of such societies. To this address the Governor made the following reply:---"The Government of this Province has neither taken, nor has it determined to take, any steps to prevent or discourage the formation or continuance of such societies." It is to be presumed that this answer proceeded from a disbelief of the truth of those charges of outrage and

riot which were made the foundation of the address. But it can excite no surprise that the existence of such an institution, offending one class by its contemptuous hostility to their religion, and another by its violent opposition to their politics, and which had been sanctioned by the Governor, as was conceived, on account of its political tendencies, should excite among both classes a deep feeling of indignation, and add seriously to the distrust with which the Government was regarded.

In addition to the irritation engendered by the position of parties, by the specific causes of dispute to which I have adverted, and by those features in the government of the colony which deprive the people of all power to effect a settlement of the questions by which the country is most deeply agitated, or to redress abuses in the institutions or in the administration of the Province, there are permanent causes of discontent, resulting from the existence of deep-seated impediments in the way of its industrial progress. The Province is without any of those means by which the resources of a country are developed and the civilization of a people is advanced or upheld. The general administration of justice, it is true, appears to be much better in Upper than in Lower Canada. Courts of justice, at least, are brought into every man's neighbourhood by a system of circuits, and there is still some integrity in juries. But there are general complaints of the union of political and judicial functions in the Chief Justice; not because any suspicion attaches to that Judge's discharge of his duties, but on account of the party grounds upon which his subordinates are supposed to be appointed, and the party bias attributed to them. Complaints, too, similar to those which I have adverted to in the Lower Province, are made against the system by which the sheriffs are appointed. It is stated that they are selected exclusively from the friends or dependents of the ruling party; that very insufficient securities are taken from them; and that the money arising from executions and sales, which are represented as unhappily very numerous in this Province, generally remains in their hands for at least a year. For reasons also which I have specified in my account of the Lower Province, the composition of the magistracy appears to be a serious cause of mischief and dissatisfaction.

But, independently of these sources of complaint, are the impediments which I have mentioned. A very considerable portion of the Province has neither roads, post-offices, mills, schools, nor churches. The people may raise enough for their own subsistence, and may even have a rude and comfortless plenty, but they can seldom acquire wealth; nor can even wealthy land-owners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral, and social position than they themselves fill. Their means of communication with each other, or the chief towns of the Province, are limited and uncertain. With the exception of the labouring class, most of the emigrants who have arrived within the last ten years are poorer now than at the time of their arrival in the Province. There is no adequate system of local assessment to improve the means of communicrtion; and the funds occasionally voted for this purpose are, under the present system, disposed of by a House of Assembly which represents principally the interests of the more settled districts, and which, it is alleged, has been chiefly intent in making their disposal a means of strengthening the influence of its Members in the constituencies which they represent. These funds have consequently almost always been applied in that part of the country where they were least needed; and they have been too frequently expended so as to produce scarcely any perceptible advantages. Of the lands which were originally appropriated for the support of schools throughout the country, by far the most valuable portion has been diverted to the endowment of the University, from which those only derive any benefit who reside in Toronto, or those who, having a large assured income, are enabled to maintain their children in that town at an expense which has been estimated at £50 per annum for each child. Even in the most thickly peopled districts, there are but few schools, and those of a very inferior character; while the more remote settlements are almost entirely without any.

Under such circumstances there is little stimulus to industry or enterprise, and their effect is aggravated by the striking contrast presented by such of the United States as border upon this Province, and where all is activity and progress. I shall hereafter, in connection with the disposal of the public lands, advert to circumstances affecting not Upper Canada merely, but the whole of our North American Colonies in an almost equal degree, which will illustrate in detail the causes and results of the more prominent of these evils. I have referred to the topic in this place, in order to notice the inevitable tendency of these inconveniences to aggravate whatever discontent may be produced by purely political causes, and to draw attention to the fact, that those who are most satisfied with the present political state of the Province, and least disposed to attribute economical injuries or social derangement to the form or the working of the government, feel and admit that there must have been something wrong to have caused so striking a difference in progress and wealth, between Upper Canada and the neighbouring States of the Union. I may also observe, that those evils affect chiefly that portion of the people which is composed of British Emigrants, and who have had no part in the causes to which they are attributable. The native-born Canadians, as they generally inhabit the more settled districts of the Province, are the owners of nearly all the waste lands, and have almost exclusively had the application of all public funds, might be expected to have escaped from the evils alluded to, and even to have profited by the causes out of which they sprung. The number of those who have thus profited is, however, comparatively small; the majority of this class, in common with the emigrant population, have suffered from the general depression, and share in the discontent and restlessness which this depression has produced.

The trade of the country is, however, a matter which appears to demand a notice here, because, so long as any such marked and striking advantages in this respect are enjoyed by Americans, as at present arise from causes which Government has the power to remove, it is impossible but that many will look forward with desire to political changes. There are laws which regulate, or rather prohibit, the importation of particular articles, except from England, especially of tea, which were framed originally to protect the privileges of monopolies here, but which have been continued in the Province after the English monopoly has been removed. It is not that these laws have any appreciable effect in raising the price of the commodities in question---almost all used in the Province is smuggled across the frontier---but their operation is at once injurious to the fair dealer, who is undersold by persons who have obtained their articles in the cheaper market of the United States, and to the Province, which can neither regulate the traffic, nor make it a source of revenue. It is probable, indeed, that the present law has been allowed to continue through inadvertance ; but if so, it is no very satisfactory evidence of the care or information of the Imperial Government, that it knows or feels so little the oppressive influence of the laws to which it subjects its dependencies.

Another, and more difficult topic connected with this subject is, the wish of this Province that it should be allowed to make use of New York as a port of entry. At present the rate of duty upon all goods coming from the United States, whatever may be their nature, or the port in Europe from which they have been shipped, is such as to compel all importers to receive the articles of their trade through the St. Lawrence, the navigation of which river opens generally several weeks later than the time at which goods may be obtained in all the parts of Upper Canada bordering upon Lake Ontario, by way of Oswego. The dealer, therefore, must submit to an injurious delay in his business, or must obtain his goods in the autumn, and have his capital lying dead for six months. Either of these courses must lessen the amount of traffic, by diminishing the quantity, or increasing the price, of all commodities; and the mischief is seriously enhanced by the monopoly which the present system places in the hands of what are called the ' forwarders' on the St. Lawrence and the Rideau Canal. If goods might be shipped from England to be landed at New York in bond, and to be admitted into Upper Canada free of duty upon the production of a certificate from the

Under such circumstances there is little stimulus to industry or enterprise, and their effect is aggravated by the striking contrast presented by such of the United States as border upon this Province, and where all is activity and progress. I shall hereafter, in connection with the disposal of the public lands, advert to circumstances affecting not Upper Canada merely, but the whole of our North American Colonies in an almost equal degree, which will illustrate in detail the causes and results of the more prominent of these evils. I have referred to the topic in this place, in order to notice the inevitable tendency of these inconveniences to aggravate whatever discontent may be produced by purely political causes, and to draw attention to the fact, that those who are most satisfied with the present political state of the Province, and least disposed to attribute economical injuries or social derangement to the form or the working of the government, feel and admit that there must have been something wrong to have caused so striking a difference in progress and wealth, between Upper Canada and the neighbouring States of the Union. I may also observe, that those evils affect chiefly that portion of the people which is composed of British Emigrants, and who have had no part in the causes to which they are attributable. The native-born Canadians, as they generally inhabit the more settled districts of the Province, are the owners of nearly all the waste lands, and have almost exclusively had the application of all public funds, might be expected to have escaped from the evils alluded to, and even to have profited by the causes out of which they sprung. The number of those who have thus profited is, however, comparatively small; the majority of this class, in common with the emigrant population, have suffered from the general depression, and share in the discontent and restlessness which this depression has produced.

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officer of customs at the English port from which they are shipped, this inconvenience would be removed, and the people of the Province would in reality benefit by their connexion with England in the superior cheapness of their articles, without paying for it as highly as they do at the present in the limitation of their commerce.

I have already stated, in my account of Lower Canada, the difficulties and disputes which are occasioned by the financial relations of the two Provinces The state of affairs, however, which causes these disputes is of far greater practical mischief to Upper Canada. That Province, some years ago, conceived the very noble project of removing or obviating all the natural impediments to the navigation of the St Lawrence; and the design was to make these works on a scale so commensurate with the capabilities of that broad and deep river, as to enable sea-going vessels to navigate its whole course to the head of Lake Huron. The design was, perhaps, too vast, at least for the first effort of a state at that time comparatively so small and poor; but the boldness with which the people undertook it, and the immense sacrifices which they made in order to achieve it, are gratifying indications of a spirit which bids fair hereafter to render Upper Canada as thriving a country as any state of the American Union. The House of Assembly, with this object in view, took a large portion of the shares of the Welland Canal, which had been previously commenced by a few enterprising individuals. It then commenced the great ship canal, called the Cornwall Canal, with a view of enabling ships of considerable draught to avoid the Long Sault Rapids; and this work was, at an immense outlay, brought very far towards a completion. It it is said that there was great mismanagement, and perhaps no little jobbing, in the application of the funds, and the execution of the work But the greatest error committed was the undertaking the works in Upper, without insuring their continuation in Lower Canada; for the whole of the works in the Upper Province, when completed, would be comparatively, if not utterly useless, without the execution of similar works on that part of the St Lawrence which lies between the province line and Montreal. But this co operation the Lower Canadian Assembly refused or neglected to give; and the works of the Cornwall Canal are now almost suspended, from the apparent inutility of completing them.

The necessary expense of these great undertakings was very large; and the prodigality superadded thereto has increased it to such an extent, that this Province is burdened with a debt of more than £1,000,000; the whole revenue, which is about £60 000, being hardly adequate to pay the interest. The Province has already been fortunately obliged to throw the whole support of the few and imperfect local works which are carried on in different parts of the Province, on local assessments; but it is obvious that it will soon be obliged to have recourse to direct taxation, to meet its ordinary civil expenditure: for the custom duties cannot be increased without the consent of Lower Canada; and that consent it is useless to expect from any House of Assembly chosen under the suspended constitution. The canals, of which the tolls would, if the whole series of necessary works were completed, in all probability render the past outlay a source of profit, instead of loss, remain in a state of almost hopeless suspension; the Cornwall Canal being unfinished, and the works already completed daily falling into decay, and the Welland Canal, which has been a source of great commercial benefit, being now in danger of becoming useless, from want of money to make the necessary repairs. After all its great hopes, and all the great sacrifices which it has made to realize them, Upper Canada now finds itself loaded with an enormous debt, which it is denied the means of raising its indirect taxation to meet, and mocked by the aspect of those unfinished works, which some small combined efforts might render a source of vast wealth and prosperity, but which now are a source of useless expense and bitter disappointment.

It may well be believed that such a state of things is not borne without repining by some of the most enterprising and loyal people of the Province. It is well known that the desire of getting over these difficulties has led many persons in this Province to urge the singular claim to have a convenient portion of Lower

Canada taken from that Province and annexed to Upper Canada; and that it induces many to desire an union of the Provinces as the only efficient means of settling all these disputes on a just and permanent footing. But it cannot be matter of surprise, that in despair of any sufficient remedies being provided by the Imperial Government, many of the most enterprising colonists of Upper Canada look to that bordering country, in which no great industrial enterprise ever feels neglect or experiences a check, and that men the most attached to the existing form of government would find some compensation in a change, whereby experience might bid them hope that every existing obstacle would be speedily removed, and each man's fortune share in the progressive prosperity of a flourishing state.

A dissatisfaction with the existing order of things, produced by causes such as I have described, necessarily extends to many who desire no change in the political institutions of the Province. Those who most admire the form of the existing system wish to see it administered in a very different mode. Men of all parties feel that the actual circumstances of the colony are such as to demand the adoption of widely different measures from any that have yet been pursued in reference to them. They ask for greater firmness of purpose in their rulers, and a more defined and consistent policy on the part of the Government----something, in short, that will make all parties feel that an order of things has been established to which it is necessary that they should conform themselves, and which is not to be subject to any unlooked for and sudden interruption consequent upon some unforseen move in the game of politics in England. Hitherto the course of policy adopted by the British Government towards this colony has had reference to the state of parties in England, instead of the wants and circumstances of the Province: neither party could calculate upon a successful result to their struggles for any particular object, because, though they might be able to estimate accurately enough their strength in the colony, they could not tell how soon some hidden spring might be put in motion in the Colonial-office in England which would defeat their best laid plans, and render utterly unavailing whole years of patient effort.

THE EASTERN PROVINCES, AND NEWFOUNDLAND.

Though I have stated my opinion that my inquiries would have been very incomplete had they been confined to the two Canadas, the information which I am enabled to communicate with respect to the other North American colonies is necessarily very limited. As, however, in these Provinces, with the exception of Newfoundland, there are no such discontents as threaten the disturbance of the public tranquillity, I did not think it necessary to institute any minute inquiries into the details of the various departments of government. It is only necessary that I should state my impression of the general working of the government in these colonies, in order that if institutions similar to those of the disturbed provinces should here appear to be tending to similar results, a common remedy may be devised for the impending, as well as for existing disorders. On this head I have obtained much useful information from the communications which I had with the Lieutenant Governors of these colonies, as well as with individuals connected with them, but, above all, from the frequent and lengthened discussions which passed between me and the gentlemen who composed the deputations sent to me last autumn from each of the three Eastern Provinces, for the purpose of discussing the principles as well as details of a plan of general government for the whole of the British Noath American colonies It was most unfortunate that the events of temporary, but pressing importance, which compelled my return to England, interrupted these discussions; but the delegates with whom I had the good fortune to carry them on, were gentlemen of so much ability, so high in station, and so patriotic in their views, that their information could not fail to give me a very fair view of the working of the colonial constitution under somewhat different circumstances in each. I insert in the appendix a communication which I received from one of

the gentlemen, Mr. Young, a leading and very active member of the House of Assembly of Nova Scotia, respecting that province.

It is not necessary, however, that I should enter into any lengthened account of the nature or working of the form of government established in these provinces, because in my account of Lower Canada I have described the general characteristics of the system common to all, and adduced the example of these provinces in illustration of the defects of their common system. In all these provinces we find representative government coupled with an irresponsible executive; we find the same constant collision between the branches of the Government; the same abuse of the powers of the representative bodies, owing to the anomaly of their position, aided by the want of good municipal institutions, and the same constant interference of the Imperial Administration, in matters which should be left wholly to the Provincial Governments. And if in these provinces there is less formidable discontent, and less obstruction to the regular course of government, it is because in them there has been recently a considerable departure from the ordinary course of the colonial system, and a nearer approach to sound constitutional practice.

This is remarkably the case in New Brunswick, a province which was till a short time ago one of the most constantly harrassed, by collisions between the executive and legislative powers; the collision has now been in part terminated by the concession of all the revenues of the province to the assembly. The policy of this concession, with reference to the extent and mode in which it was made, will be discussed in the separate report on the disposal and management of public lands; but the policy of the Government in this matter has at any rate put an end to disputes about the revenue, which were on the point of producing a constant Parliamentary conflict between the Crown and the Assembly, in many respects like that which has subsisted in Lower Canada; but a more important advance has been made towards the practice of the British constitution in a recent change which has been made in the Executive and Legislative Councils of the colony, whereby, as I found from the representatives of the present official body in the delegation from New Brunswick, the administrative power of the province had been taken out of the hands of the old official party, and placed in those of members of the former liberal Opposition. The constitutional practice had been, in fact, fully carried into effect in this province; the government had been taken out of the hands of those who could not obtain the assent of the majority of the Assembly, and placed in the hands of those who possessed its confidence; the result is, that the government of New Brunswick, till lately, one of the most difficult in the North American Colonies, is now the most harmonious and easy.

In Nova Scotia some, but not a complete approximation has been made to the same judicious course. The Government is in a minority in the House of Assembly, and the Assembly and the Legislative Council do not perfectly harmonize. But the questions which divides parties at present happen really to be of no great magnitude, and all are united and zealous in the great point of maintaining the connexion with Great Britain. It will be seen from Mr. Young's paper, that the questions at issue, though doubtless of very considerable importance, involve no serious discussion between the Government and the people. The majority of the Opposition is stated by the official party to be very uncertain, and is admitted by themselves to be very narrow. Both parties look with confidence to the coming general election; and all feel the greatest reliance on the good sense and good intentions of the present Lieutenant-Governor, Sir Colin Campbell.

I must, however, direct particular attention to the following temperate remarks of Mr. Young on the constitution of the Executive and Legislative Councils:—

"The majority of the House of Assembly is dissatisfied with the composition of the Executive and Legislative Councils, and the preponderance in both of interests which they conceive to be unfavorable to Reform; this is the true ground, as I take it, of the discontent that is felt. The respectability and private virtues of the gentlemen who sit at the two Council Boards are admitted by all; it is of their political and personal predilections that the people complain; they desire

reforming and liberal principles to be more fully represented and advocated there, as they are in the Assembly.

" The majority of the house, while they appreciate and have acknowledged the anxiety of His Excellency the Lieutenant-Governor to gratify their just expectations, have also expressed their dissatisfaction that the Church of England should have been suffered to retain a majority in both councils, notwithstanding the remonstrances of the house and the precise and explicit directions of the Colonial Secretary. Religious dissensions are happily unknown amongst us, and the true way to prevent their growth and increase, is to avoid conferring an inordinate power on any one sect, however worthy it may be of respect or favour.'

The political history of Prince Edward's Island is contained in the system pursued with regard to its settlement, and the appropriation of its lands, which is fully detailed in the subsequent view of that department of government in the North American colonies; and its past and present disorders are but the sad result of that fatal error which stifled its prosperity in the very cradle of its existence, by giving up the whole island to a handful of distant proprietors. Against this system, this small and powerless community has in vain been struggling for some years; a few active and influential proprietors in London have been able to drown the remonstrances and defeat the efforts of a distant and petty Province; for the ordinary evils of distance are, in the instance of Prince Edward's Island, aggravated by the scantiness of its population, and the confined extent of its territory. This island, most advantageously situated for the supply of the surrounding colonies, and of all the fisheries, possesses a soil peculiarly adapted to the production of grain, and, from its insular position, is blessed with a climate far more genial than a great part of the continent which lies to the southward. Had its natural advantages been turned to proper account, it might at this time have been the granary of the British colonies, and, instead of barely supporting a poor and unenterprising population of 40,000, its mere agricultural resources would, according to Major Head, have maintained in abundance a population of at least ten times that number. Of nearly 1,400,000 acres contained in this island, only 10,000 are said to be unfit for the plough. Only 100,000 are now under cultivation. No one can mistake the cause of this lamentable waste of the means of national wealth. It is the possession of almost the whole soil of the island by absentee proprietors, who would neither promote nor permit its cultivation, combined with the defective government which first caused and has since perpetuated the evil. The simple legislative remedy for all this mischief having been suggested by three successive Secretaries of State, has been embodied in an act of the local Legislature, which was reserved for the Royal assent; and the influence of the proprietors in London was such, that that assent was for a long time withheld. The question was referred to me during my stay in Canada; and I believe I may have the satisfaction of attributing to the recommendation which I gave, in accordance with the earnest representations of the Lieutenant-Governor, Sir Charles Fitzroy, the adoption at last of a measure intended to remove the abuse that has so long retarded the prosperity of this colony.

The present condition of these colonies presents none of those alarming features which mark the state of the two Canadas The loyalty and attachment to the mother country which animate their inhabitants are warm and general But their varied and ample resources are turned to little account Their scanty population exhibits, in most portions of them, an aspect of poverty, backwardness, and stagnation; and wherever a better state of things is visible, the improvement is generally to be ascribed to the influx of American settlers or capitalists. Major Head describes his journey through a great part of Nova Scotia as exhibiting the melancholy spectacle of "half the tenements abandoned, and lands every where falling into decay;" "and the lands," he tells us, "that were purchased 30 or 40 years ago, at 5s. an acre, are now offered for sale at 3s." "The people of Prince Edward's Island are," he says, "permitting Americans to take out of their hands all their valuable fisheries, from sheer want of capital to employ their own population in them." "The country on the noble river St. John's," he states, "possesses all that is requisite, except that animation of business which constitutes

the value of a new settlement." But the most striking indication of the backward state of these Provinces is afforded by the amount of the population. These Provinces, among the longest-settled on the North American continent, contain nearly 30,000,000 of acres, and a population, estimated at the highest, at no more than 365,000 souls, giving only one inhabitant for every 80 acres. In New Brunswick, out of 16,500,000 acres, it is estimated that at least 15,000,000 are fit for cultivation; and the population being estimated at no more than 140,000, there is not one inhabitant for 100 acres of cultivatable land.

It is a singular and melancholy feature in the condition of these Provinces, that the resources rendered of so little avail to the population of Great Britain are turned to better account by the enterprising inhabitants of the United States. While the emigration from the Province is large and constant, the adventurous farmers of New England cross the frontier and occupy the best farming lands. Their fishermen enter our bays and rivers, and in some cases monopolize the occupations of our own unemployed countrymen, and a great portion of the trade of the St. John's is in their hands. Not only do the citizens of a foreign nation do this, but they do it with British capital. Major Head states, "that an American merchant acknowledged to him that the capital with which his countrymen carried on their enterprises in the neighbourhood of St John's was chiefly supplied by Great Britain; and," he adds, as a fact within his own knowledge, "that wealthy capitalists at Halifax, desirous of an investment for their money, preferred lending it in the United States to applying it to speculation in New Brunswick, or to lending it to their own countrymen in that Province."

I regret to say that Major Head also gives the same account respecting the difference between the aspect of things in these Provinces and the bordering state of Maine. On the other side of the line, good roads, good schools, and thriving farms afford a mortifying contrast to the condition in which a British subject finds the neighbouring possessions of the British Crown.

With respect to the colony of Newfoundland I have been able to obtain no information whatever, except from sources open to the public at large. The Assembly of that island signified their intention of making an appeal to me respecting some differences with the Governor, which had their immediate origin in a dispute with a judge. Owing, probably, to the uncertain and tardy means of communication between Quebec and that island, I received no further communication on this or any other subject until after my arrival in England, when I received an address expressive of regret at my departure.

I know nothing, therefore, of the state of things in Newfoundland, except that there is, and long has been, the ordinary colonial collision between the representative body on one side and the executive on the other; that the representatives have no influence on the composition or the proceedings of the Executive Government; and that the dispute is now carried on, as in Canada, by impeachments of various public officers on the one hand, and prorogations on the other. I am inclined to think that the cause of these disorders is to be found in the same constitutional defects as those which I have signalized in the rest of the North American colonies. If it be true that there exists in this island a state of society which renders it unadvisable that the whole of the local government should be entirely left to the inhabitants, I believe that it would be much better to incorporate this colony with a larger community, than to attempt to continue the present experiment of governing it by a constant collision of constitutional powers.

DISPOSAL OF PUBLIC LANDS—EMIGRATION.

I have mentioned the peculiar importance which, in newly-settled societies, is attached to works for creating and improving the means of communication. But in such communities, and especially when only a small proportion of the land has been occupied by settlers, there is a still more momentous subject of public concern. I allude to an operation of Govern-

ment, which has a paramount influence over the happiness of individuals, and the progress of society towards wealth and greatness—I am speaking of the disposal, by the Government, of the lands of the new country. In old countries, no such matter ever occupies public attention; in new Colonies, planted on a fertile and extensive territory, this is the object of the deepest moment to all, and the first business of the Government.—Upon the manner in which this business is conducted, it may almost be said that every thing else depends. If lands are not bestowed on the inhabitants and new-comers with a generous hand, the society endure the evils of an old and over-peopled state, with the superadded inconveninces that belong to a wild country. They are pinched for room, even in the wilderness—are prevented from choosing the most fertile soils and favourable situations—and are debarred from cultivating that large extent of soil, in proportion to the hands at work, which can alone compensate, in quantity of produce, for the rude nature of husbandry in the wilderness.—If, on the other hand, the land is bestowed with careless profusion, great evils of another kind are produced. Large tracts become the property of individuals, who leave their lands unsettled and untouched. Deserts are thus interposed between the industrious settlers; the natural difficulties of communication are greatly enhanced; the inhabitants are not merely scattered over a wide space of country, but are separated from each other by impassable wastes; the cultivator is cut off or far removed from a market in which to dispose of his surplus produce, and procure other commodities; and the greatest obstacles exist to co-operation in labour—to exchange—to the division of employments—to combination for municipal or other public purposes—to the growth of towns—to public worship—to regular education—to the spread of news—to the acquisition of common knowledge—and even to the civilizing influences of mere intercourse for amusement. Monotonous and stagnant, indeed, must ever be the state of a people who are permanently condemned to such separation from each other. If, moreover, the land of a new country is so carelessly surveyed, that the boundaries of property are incorrectly or inadequately defined, the Government lays up a store of mischievous litigation for the people. Whatever delay takes place in perfecting the titles of individuals to lands alienated by the Government, occasions equal uncertainty and insecurity of property. If the acquisition of land, in whatever quantities, is made difficult or troublesome, or is subjected to any needless uncertainty or delay, applicants are irritated—settlement is hindered—and immigration to the Colony is discouraged, as emigration from it is promoted. If very different methods of proceeding have effect in the same Colony, or in different parts of the same group of Colonies, the operation of some can scarcely fail to interfere with or counteract the operation of others: so that the object of the Government must, somewhere or at some time, be defeated. And frequent changes of system are sure to be very injurious, not only by probably displeasing those who either obtain land just before, or desire to obtain some just after each change, but also by giving a character of irregularity, uncertainty, and even mystery, to the most important proceedings of Government. In this way settlement and emigration are discouraged: inasmuch as the poeple, both of the Colony and of the Mother Country, are deprived of all confidence in the permanency of any system, and of any familiar acquaintance with any of the temporary methods. It would be easy to cite many other examples of the influence of Government in this matter. I will mention but one more here. If

the disposal of public lands is administered partially, with favour to particular persons or classes, a sure result is the anger of all who do not benefit by such favouitism—(the far greater number, of course)—and consequently the general unpopularity of the Government.

Under suppositions the reverse of these, the best, instead of the worst, effects would be produced; a constant and regular supply of new land, in due proportion to the wants of a population increasing by births and immigration; all the advantages to which facilities of transport and communication are essential; certainty of limits, and security of title to property in land; the greatest facilities in acquiring the due quantity; the greatest encouragements to immigration and settlement; the most rapid progress of the people in material comfort and social improvement; and a general sense of obligation to the Government. What a contrast do the two pictures present! Neither of them is over-coloured; and a mere glance at both suffices to show, that in the North American Colonies of England, as in the United States, the function of authority most full of good or evil consequences has been the disposal of public land.

Impressed before my departure from England, with a sense of the great importance of this subject, and indulging a hope, founded on the very remarkable success of a new method of disposing of public lands in Your Majesty's Australian Colonies, that I might be able to recommend beneficial reforms in the North American Provinces, I took precautions for instituting a thoroughly efficient inquiry into the whole subject generally, and in detail; and I was the more disposed to do this, because while an inquiry by a Select Committee of the House of Commons, in 1836, furnished abundant information on the subject, as respects most parts of Your Majesty's Colonial Empire, the North American Provinces had been specifically excluded from that inquiry; and I could not obtain in England any authentic, or at least sufficient information as to the disposal of public lands in any of them. Within a very short time after my arrival in Canada, the expediency of a searching inquiry into the subject, became more than ever apparent to me. A common belief in the great extent of my powers, revived innumerable complaints of abuse, and applications for justice or favour, which had slumbered during previous years. During my residence in the Canadas, scarcely a day passed without my receiving some petition or representation relating to the Crown Lands Department; and matters belonging to this branch of Government necessarily occupied a far larger proportion than any other of my correspondence with the Secretary of State. The information which I now possess was chiefly obtained by means of a Commission of Inquiry, which, having regard to the probable advantages of an uniform system for the whole of Brittsh North America, and to the deep and universal interest taken in this subject by the Colonists, I issued in Your Majesty's name, and made applicable to all the Provinces. Minutes of the evidence given before the Commissioners are appended to the present Report, together with a separate Report, containing the outline of a plan for the future administration of this all-influential Department of Government. If that plan, or any other founded on similar principles, should be adopted by Your Majesty, and the Imperial Legislature, I do firmly believe that an impulse will be given to the prosperity of Your Majesty's North American Possessions, surpassing what their most sanguine well-wisher. if unacquainted with the facts, would be capable of imagining; and more calculated than any other reform whatever, to attach the people of British North America to

Your Majesty's Throne—and to cement and perpetuate an intimate connexion between the Colonies and the Mother Country. I shall have to return to this point hereafter. I have mentioned it here, for the purpose of inviting Your Majesty's attention, and awakening that of Your Ministers and of Parliament to a theme which, however little it has hitherto interested the Imperial Government, is the object of constant and earnest discussion in the Colonies.

In the United States, ever since the year 1796, the disposal of public land not already appropriated to particular states, has been strictly regulated by a law of Congress; not by different laws for the various parts of the country, but by one law for the whole of the public lands, and a law which we may judge to have been conducive to the prosperity of the people, both from its obvious good effects, and from its almost unquestioned continuance for so many years. In the British North American Colonies, with one partial exception, there never has been, until quite recently, any law upon the subject. The whole of the public lands have been deemed the property of the Crown, and the whole of the administration for disposing of them to individuals, with a view to settlement, has been conducted by officers of the Crown, under instructions from the Treasury or the Colonial Department in England. The provincial assemblies, except quite recently in New Brunswick and Upper Canada, have never had any voice in this matter; nor is the popular controul in those two cases much more than nominal. The Imperial Parliament has never interfered but once, when, leaving all other things untouched, it enacted the unhappy system of "Clergy Reserves." With these very slight exceptions, the Lords of the Treasury and Colonial Secretary of State for the time being, have been the only legislators; and the provincial agents of the Colonial Secretary, responsible to him alone, have been the sole executors.

The system of the United States appears to combine all the chief requisites of the greatest efficiency. It is uniform throughout the vast federation; it is unchangeable save by Congress, and has never been materially altered; it renders the acquisition of new land easy, and yet, by means of a price, restricts appropriation to the actual wants of the settler; it is so simple as to be readily understood; it provides for accurate surveys and against needless delays; it gives an instant and secure title; and it admits of no favouritism, but distributes the public property amongst all classes and persons upon precisely equal terms. That system has promoted an amount of immigration and settlement of which the history of the world affords no other example; and it has produced to the United States a revenue which has averaged about half a million sterling per annum, and has amounted in one twelvemonth to about four millions sterling, or more than the whole expenditure of the Federal Government.

In the North American Colonies there never has been any system. Many different methods have been practised, and this not only in the different colonies, but in every colony at different times, and within the same colony at the same time. The greatest diversity and most frequent alteration would almost seem to have been the objects in view. In only one respect has there been uniformity. Every where the greatest profusion has taken place, so that in all the colonies, and nearly in every part of each colony, more, and very much more land has been alienated by the government than the grantees had at the time, or now have the

means of reclaiming from a state of wilderness; and yet in all the colonies until lately, and in some of them still, it is either very difficult or next to impossible for a person of no influence to obtain any of the public land. More or less in all the colonies, and in some of them to an extent which would not be credited if the fact were not established by unquestionable testimony, the surveys have been inaccurate, and the boundaries, or even the situation of estates, are proportionably uncertain. Everywhere, needless delays have harassed and exasperated applicants; and everywhere, more or less, I am sorry but compelled to add, gross favoritism has prevailed in the disposal of public lands. I have mentioned but a part of the evils, grievances, and abuses of which Your Majesty's subjects in the colonies justly complain, as having arisen from mal-administration in this department. Those evils remain wholly unremedied, most of those grievances are unredressed, and not a few of those abuses are unreformed at this hour. Their present existence has been forced on my conviction by indisputable evidence. If they had passed away, I should scarcely have alluded to them. If I had any hope of seeing them removed, otherwise than by means of giving them authentic publicity, I should have hesitated to speak of them, as I have done. As it is, I should ill perform the duty which Your Majesty was pleased to confide to me, if I failed to describe them in the plainest terms.

The results of long misgovernment in this department, are such as might have been anticipated by any person understanding the subject. The administration of the public lands, instead of always yielding a revenue, cost for a long while more than it produced. But this is, I venture to think, a trifling consideration when compared with others. There is one in particular which has occurred to every observant traveller in these regions, which is a constant theme of boast in the states bordering upon our colonies, and a subject of loud complaint within the colonies. I allude to the striking contrast which is presented between the American and the British sides of the frontier line, in respect to every sign of productive industry, increasing wealth, and progressive civilization.

By describing one side, and reversing the picture, the other would be also described. On the American side all is activity and bustle. The forest has been widely cleared; every year numerous settlements are formed, and thousands of farms are created out of the waste; the country is intersected by common roads; canals and railroads are finished, or in the course of formation; the ways of communication and transport are crowded with people, and enlivened by numerous carriages and large steamboats. The observer is surprised at the number of harbours on the lakes, and the number of vessels they contain; while bridges, artificial landing-places, and commodious wharves are formed in all directions as soon as required. Good houses, warehouses, mills, inns, villages, towns, and even great cities, are almost seen to spring up out of the desert. Every village has its school-house and place of public worship. Every town has many of both, with its township buildings, its book-stores, and probably one or two banks and newspapers; and the cities, with their fine churches, their great hotels, their exchanges, court-houses and municipal halls, of stone or marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the old world. On the British side of the line, with the exception of a few favored spots, where some approach to American prosperity is

apparent, all seems waste and desolate. There is but one rail-road in all British America, and that, running between the St. Lawrence and Lake Champlain, is only fifteen miles long. The ancient city of Montreal, which is naturally the commercial capital of the Canadas, will not bear the least comparison, in any respect, with Buffalo, which is a creation of yesterday. But it is not in the difference between the larger towns on the two sides that we shall find the best evidence of our own inferiority. That painful but undeniable truth is most manifest in the country districts through which the line of national separation passes for 1,000 miles. There, on the side of both the Canadas, and also of New Brunswick and Nova Scotia, a widely scattered population, poor, and apparently unenterprising, though hardy and industrious, separated from each other by tracts of intervening forest, without towns and markets, almost without roads, living in mean houses, drawing little more than a rude subsistence from ill-cultivated land, and seemingly incapable of improving their condition, present the most instructive contrast to their enterprising and thriving neighbours on the American side. I was assured that in the eastern townships of Lower Canada, bordering upon the line, it is a common practice for settlers when they wish to meet, to enter the state of Vermont, and make use of the roads there for the purpose of reaching their destination in the British Province. Major Head, the assistant commissioner of crown lands' inquiry, whom I sent to New Brunswick, states, that when travelling near the frontier line of that province and the state of Maine, now on one side and then on the other, he could always tell on which side he was by the obvious superiority of the American settlements in every respect. Where the two countries are separated by the St. Lawrence and the lakes, the difference is less perceptible; but not less in fact, if I may believe the concurrent statements of numerous eye-witnesses, who had no motive for deceiving me. For further corroboration, I might refer indeed to numerous and uncontradicted publications; and there is one proof of this sort so remarkable, that I am induced to notice it specially. A highly-popular work, which is known to be from the pen of one of Your Majesty's chief functionaries in Nova Scotia, abounds in assertions and illustrations of the backward and stagnant condition of that province, and the great superiority of neighboring American settlements. Although the author, with a natural disinclination to question the excellence of Government, attributes this mortifying circumstance entirely to the folly of the people, in neglecting their farms, to occupy themselves with complaining of grievances and abuses, he leaves no doubt of the fact.

This view is confirmed by another fact equally indisputable. Throughout the frontier, from Amherstburgh to the ocean, the market value of land is much greater on the American than on the British side. In not a few parts of the frontier this difference amounts to as much as 1,000 per cent., and in some cases even more. The average difference, as between Upper Canada and the states of New York and Michigan, is notoriously several hundred per cent. Mr. Hastings Kerr of Quebec, whose knowledge of the value of land in Lower Canada is generally supposed to be more extensive and accurate than that of any other person, states that the price of wild land in Vermont and New Hampshire, close to the line, is $5 per acre, and in the adjoining British townships only $1. On this side the line a very large extent of land is wholly unsaleable, even at such low prices; while on the other side property is continually chang-

ing hands. The price of 2s. or 3s. per acre would purchase immense tracts in Lower Canada and New Brunswick. In the adjoining States it would be difficult to obtain a single lot for less than as many dollars. In and near Stanstead, a border township of Lower Canada, and one of the most improved, 48,000 acres of fine land, of which Governor Sir R. S. Milne obtained a grant to himself in 1810, was recently sold at the price of 2s. per acre. Mr. Stayner, the deputy post master general, one of the largest proprietors of wild land in Lower Canada, says: '20 years ago, or thereabout, I purchased wild land at what was then considered a low price, in the natural hope that it would be gradually increasing in value, and that, whenever I might choose to sell, it would be at such a profit as would afford me a fair return for the use of the money employed. So far, however, from realizing this expectation, I now find after the lapse of so many years, when the accumulated interest upon the money invested has increased the cost of the land 150 per cent.—I say I find that I could not, if compelled to sell this land, obtain more for it than it originally cost me.' I learned from others besides Mr. Kerr, but quote his words, that 'the system pursued in granting Crown Lands in Lower Canada has been such as to render it impossible to obtain money on mortgage of land, because there is no certainty as to the value: when a sale is forced, there may be a perfect glut in the market and no purchasers.' Similar statements might be cited in abundance. It might be supposed by persons unacquainted with the frontier country, that the soil on the American side is of very superior natural fertility. I am positively assured that this is by no means the case; but that, on the whole, superior natural fertility belongs to the British territory. In Upper Canada, the whole of the great peninsula between Lakes Erie and Huron, comprising nearly half the available land of the province, consists of gently undulating alluvial soil, and, with a smaller proportion of inferior land than probably any other tract of similar extent in that part of North America, is generally considered the best grain country on that continent. The soil of the border townships of Lower Canada is allowed on all hands, to be superior to that of the border townships of New York, Vermont, and New Hampshire; while the lands of New Brunswick, equal in natural fertility to those of Maine, enjoy superior natural means of communication. I do not believe that the universal difference in the value of land can anywhere be fairly attributed to natural causes.

Still less can we attribute to such causes another circumstance, which in some measure accounts for the different values of property, and which has a close relation to the subject of the public lands—I mean the great amount of re-emigration from the British colonies to the border states. This is a notorious fact. No body denies it; almost every colonist speaks of it with regret. What the proportion may be of those emigrants from the United Kingdom who, soon after their arrival, remove to the United States, it would be very difficult to ascertain precisely. Mr. Bell Forsyth, of Quebec, who has paid much attention to the subject, and with the best opportunites of observing correctly in both the Canadas, estimates that proportion at sixty per cent. of the whole. Mr. Hawke, the chief agent for emigrants in Upper Canada, calculates that out of two-thirds of the immigrants by the St. Lawrence who reach that province, one-fourth re-emigrate chiefly to settle in the States. It would appear, however, that the amount of emigration from Upper Canada, whether of new comers or others, must be nearer Mr. Forsyth's estimate. The population was reck-

oned at 200,000 in January 1830. The increase by births since then should have been at least three per cent. per annum, or 54,000. Mr. Hawke states the number of immigrants from Lower Canada, since 1829, to have been 165,000; allowing that these also would have increased at the rate of three per cent. per annum, the whole increase by immigration and births should have been nearly 200,000. But Mr. Hawke's estimate of immigrants takes no account of the very considerable number who enter the province by way of New York and the Erie Canal. Reckoning these at only 50,000, which is probably under the truth, and making no allowance for their increase by births, the entire population of Upper Canada should now have been 500,000, whereas it is, according to the most reliable estimates, not over 400,000. It would therefore appear, making all allowance for errors in this calculation, that the number of people who have emigrated from Upper Canada to the United States, since 1829, must be equal to more than half of the number who have entered the Province during the eight years. Mr. Baillie, the present Commissioner of Crown lands in New Brunswick, says, "a great many emigrants arrive in the Province, but they generally proceed to the United States, as there is not sufficient encouragement for them in this Province." Mr. Morris, the present Commissioner of Crown lands, and surveyor-general of Nova Scotia, speaks in almost similar terms of the emigrants who reach that Province by way of Halifax.

I am far from asserting that the very inferior value of land in the British colonies, and the re-emigration of immigrants, are altogether occasioned by mismanagement in the disposal of public lands. Other defects and errors of government must have had a share in producing these lamentable results; but I only speak the opinion of all the more intelligent, and, let me add, some of the most loyal of your Majesty's subjects in North America, when I say that this has been the principal cause of these great evils. This opinion rests upon their personal acquaintance with numerous facts. Some of these facts I will now state. They have been selected from a much greater number, as being peculiarly calculated to illustrate the faults of the system, its influence on the condition of the people, and the necessity of a thorough reform. I may add, that many of them form the subject of despatches which I have addressed to your Majesty's Secretary of State.

I have observed before that nearly all of the different methods pursued by the government have had one mischievous tendency in particular; they have tended to place a vast extent of land out of the control of government, and yet to retain it in a state of wilderness. This evil has been produced in all the colonies alike, to what extent, and with what injurious consequences, will be made apparent by the following illustrative statements:—

By official returns which accompany this report, it appears that, out of about 17,000,000 of acres comprised within the surveyed districts of Upper Canada, less than 1,600,000 acres are yet unappropriated, and this amount includes 450,000 acres the reserve for roads, leaving less than 1,200,000 acres open to grant; and of this remnant 500,000 acres are required to satisfy claims for grants founded on pledges by the government. In the opinion of Mr. Radenhurst, the really acting surveyor-general, the remaining 700,000 consist for the most part of land inferior in position or quality. It may almost be said, therefore, that the whole of the public lands in Upper Canada have been alienated by the govern-

ment. In Lower Canada, out of 6,169,963 acres in the surveyed townships, nearly 4,000,000 acres have been granted or sold; and there are unsatisfied but indisputable claims for grants to the amount of about 500,000. In Nova Scotia nearly 6,000,000 of acres have been granted, and in the opinion of the Surveyor-General only about one-eighth of the land which remains to the Crown, or 500,000 acres is available for the purposes of settlement. The whole of Prince Edward's Island, about 1,400,000 acres, was alienated in one day. In New Brunswick 4,400,000 acres have been granted or sold, leaving to the Crown about 11,000,000, of which 5,500,000 acres are considered fit for immediate settlement.

Of the lands granted in Upper and Lower Canada, upwards of 3,000,000 acres consist of "Clergy Reserves," being for the most part lots of 200 acres each, scattered at regular intervals over the whole face of the townships, and remaining, with few exceptions, entirely wild to this day. The evils produced by the system of reserving land for the clergy have become notorious, even in this country; and a common opinion I believe prevails here, not only that the system has been abandoned, but that measures of remedy have been adopted. This opinion is incorrect in both points. In respect of every new township in both Provinces reserves are still made for the clergy, just as before; and the act of the Imperial Parliament which permits the sale of Clergy Reserves, applies to only one-fourth of the quantity. The select committee of the House of Commons on the civil government of Canada reported, in 1828, that "these reserved lands, as they are at present distributed over the country, retard more than any other circumstance the improvement of the colony, lying as they do in detached portions of each township, and intervening between the occupations of actual settlers, who have no means of cutting roads through the woods and morasses, which thus separate them from their neighbours." This description is perfectly applicable to the present state of things. In no perceptible degree has the evil been remedied.

The system of Clergy Reserves was established by the act of 1791, commonly called the Constitutional Act, which directed that, in respect of all grants made by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the clergy. A quantity equal to one-seventh of all grants would be one-eighth of each township, or of all the public land. Instead of this proportion, the practice has been, ever since the act passed, and in the clearest violation of its provisions, to set apart for the clergy in Upper Canada a seventh of all the land, which is a quantity equal to a sixth of the land granted. There have been appropriated for this purpose 300,000 acres, which legally, it is manifest, belong to the public. And of the amount for which Clergy Reserves have been sold in that Province, namely, £317,000 (of which about £100,000 have been already received and invested in the English funds), the sum of about £45,000 should belong to the public.

In Lower Canada, the same violation of the law has taken place, with this difference—that upon every sale of Crown and Clergy Reserves, a fresh reserve for the clergy has been made, equal to a fifth of such reserves. The result has been the appropriation for the clergy of 673,567 acres, instead of 446,000, being an excess of 227,559 acres, or half as much again as they ought to have received. The Lower Canada fund already produced by sales amounts to £50,000, of which, therefore, a third, or about £16,000, belong to the public. If, without any reform of this abuse, the whole of the unsold Clergy Reserves in both Provinces

should fetch the average price at which such lands have hitherto sold, the public would be wronged to the amount of about £280,000; and the reform of this abuse will produce a certain and almost immediate gain to the public of £60,000. In referring, for further explanation of this subject, to a paper in the appendix which has been drawn up by Mr. Hanson, a member of the commission of inquiry which I appointed for all the colonies, I am desirous of stating my own conviction that the clergy have had no part in this great misappropriation of the public property, but that it has arisen entirely from heedless misconception, or some other error, of the civil government of both Provinces.

The great objection to reserves for the clergy is, that those for whom the land is set apart never have attempted, and never could successfully attempt, to cultivate or settle the property, and that, by that special appropriation, so much land is withheld from settlers, and kept in a state of waste, to the serious injury of all settlers in its neighbourhood. But it would be a great mistake to suppose that this is the only practice by which such injury has been, and still is, inflicted on actual settlers. In the two Canadas, especially, the practice of rewarding, or attempting to reward, public services by grants of public land, has produced, and is still producing, a degree of injury to actual settlers which it is difficult to conceive without having witnessed it. The very principle of such grants is bad, inasmuch as, under any circumstances, they must lead to an amount of appropriation beyond the wants of the community, and greatly beyond the proprietor's means of cultivation and settlement. In both the Canadas, not only has this principle been pursued with reckless profusion, but the local executive governments have managed, by violating or evading the instructions which they received from the Secretary of State, to add incalculably to the mischiefs that would have arisen at all events.

In Upper Canada, 3,200,000 acres have been granted to "U.E. Loyalists," being refugees from the United States, who settled in the Province before 1787, and their children; 730,000 acres to Militia men; 450,000 acres to discharged Soldiers and Sailors; 255,000 acres to Magistrates and Barristers; 136,000 acres to Executive Councillors, and their families; 50,000 acres to five Legislative Councillors, and their families; 36,900 acres to Clergymen, as private property; 264,000 acres to persons contracting to make surveys, 92,526 acres to officers of the Army and Navy, 500,000 acres for the endowment of schools, 48,520 acres to Colonel Talbot, 12,000 acres to the heirs of General Brock, and 12,000 acres to Doctor Mountain, a former Bishop of Quebec; making altogether, with the Clergy Reserves, nearly half of all the surveyed land in the Province. In Lower Canada, exclusively of grants to refugee loyalists, as to the amount of which the Crown Lands' Department could furnish me with no information, 450,000 acres have been granted to Militiamen, to Executive Councillors 72,000 acres, to Governor Milne about 48,000 acres, to Mr. Cushing and another, upwards of 100,000 acres (as a reward for giving information in a case of high treason), to officers and soldiers 200,000 acres, and to "leaders of townships" 1,457,209 acres, making altogether, with the Clergy Reserves, rather more than half of the surveyed lands originally at the disposal of the Crown.

In Upper Canada, a very small proportion (perhaps less than a tenth) of the land thus granted, has been even occupied by settlers, much less reclaimed and cultivated. In Lower Canada, with the exception of a

few townships bordering on the American frontier, which have been comparatively well settled, in despite of the proprietors, by American squatters, it may be said that nineteen twentieths of these grants are still unsettled, and in a perfectly wild state.

No other result could have been expected in the case of those classes of grantees whose station would preclude them from settling in the wilderness, and whose means would enable them to avoid exertion for giving immediate value to their grants; and unfortunately, the land which was intended for persons of a poorer order, who might be expected to improve it by their labour, has, for the most part, fallen into the hands of land-jobbers of the class just mentioned, who have never thought of settling in person, and who retain the land in its present wild state, speculating upon its acquiring a value at some distant day, when the demand for land shall have increased through the increase of population.

In Upper Canada, says Mr. Bolton, himself a great speculator and holder of wild land, "the plan of granting large tracts of land to gentlemen who have neither the muscular strength to go into the wilderness, nor, perhaps, the pecuniary means to improve their grants, has been the means of a large part of the country remaining in a state of wilderness. The system of granting land to the children of U. E. Loyalists has not been productive of the benefits expected from it. A very small proportion of the land granted to them has been occupied or improved. A great proportion of such grants were to unmarried females, who very readily disposed of them for a small consideration, frequently from £2 to £5 for a grant of 200 acres. The grants made to young men were also frequently sold for a very small consideration; they generally had parents with whom they lived, and were therefore not disposed to move to their grants of lands, but preferred remaining with their families. I do not think one-tenth of the lands granted to U. E. Loyalists has been occupied by the persons to whom they were granted, and in a great proportion of cases not occupied at all." Mr. Radenhurst says, "the general price of these grants was from a gallon of rum up to perhaps £6, so that while millions of acres were granted in this way, the settlement of the Province was not advanced, nor the advantage of the grantee secured in the manner that we may suppose to have been contemplated by government." He also mentions amongst extensive purchasers of these grants, Mr. Hamilton, a member of the Legislative Council, who bought about 100,000 acres; Chief Justices Emslie and Powell, and Solicitor General Grey, who purchased from 20,000 to 50,000 acres: and states that several members of the Executive and Legislative Councils, as well as of the House of Assembly, were "very large purchasers."

In Lower Canada, the grants to "Leaders and Associates" were made by an evasion of instructions which deserve a particular description.

By instructions to the Local Executive immediately after the passing of the Constitutional Act, it was directed that "because great inconveniences had theretofore arisen in many of the colonies in America from the granting excessive quantities of land to particular persons who have never cultivated or settled the same, and have thereby prevented others more industrious, from improving such lands: in order, therefore, to prevent the like inconveniences in future, no farm-lot should be granted to any person being master or mistress of a family in any township to be laid out which should contain more than 200 acres." The instructions then invest the governor with a discretionary power to grant additional

quantities in certain cases, not exceeding 1,000 acres. According to these instructions 200 acres should have been the general amount. 1,200 the maximum, in special cases to be granted to any individual. The greater part, however, of the land (1,457,200 acres) was granted, in fact, to individuals at the rate of from 10,000 to 50,000 to each person. The evasion of the regulations was managed as follows:—A petition, signed by from 10 to 40 or 50 persons, was presented to the Executive Council, praying for a grant of 1,200 acres to each person, and promising to settle the land so applied for. Such petitions were, I am informed, always granted, the Council being perfectly aware that, under a previous agreement between the applicants (of which the form was prepared by the then Attorney General, and sold publicly by the law stationers of Quebec), five-sixths of the land was to be conveyed to one of them, termed the leader, by whose means the grant was obtained. In most cases the leader obtained the whole of the land which had been nominally applied for by fifty persons. A report of a committee of the House of Assembly, known to have been drawn up by the present Solicitor-General, speaks of this practice in the following terms: "Your committee unwilling to believe that the above mentioned evasions of His Majesty's gracious instructions had been practised with the knowledge, privity, or consent of His Majesty's servants, bound by their oaths, their honour and their duty to obey them, instituted a long and patient investigation into the origin of these abuses. They have been painfully but irresistibly led to the conclusion, that they were fully within the knowledge of individuals in this colony who possessed and abused His Majesty's confidence. The instruments by which this evasion was to be carried into effect were devised by His Majesty's Attorney General for the time being, printed and publicly sold in the capital of this Province; and the principal intermediate agent was His Majesty's late assistant surveyor-general."

In order to reward militiamen in Lower Canada, who had served on the frontier during war, the Duke of Richmond, acting, as it would appear, under instructions from the Home Government, but of which no copy is extant in the public offices at Quebec, promised grants of land to many thousand persons inhabiting all parts of the Province. The intentions of the Home Government appear to have been most praiseworthy. How effectually they have been defeated by the misconduct of the local executive will appear from a report on the subject in the appendix (A.), and the following copy of the instructions given to commissioners whom I appointed in order to expedite the settlement of militia claims. I would also refer to the evidence of Mr. Kerr, Mr. Morin, Mr. Davidson, and Mr. Langevin:—

"TO THE COMMISSIONERS OF UNSETTLED MILITIA CLAIMS.

"CASTLE OF ST. LEWIS, QUEBEC, 12th SEPT'R. 1838.

"GENTLEMEN—I am directed by His Excellency the Governor-General, in furnishing you with some instructions for your guidance in disposing of unsettled militia claims, to state the views which he takes of this subject, and has represented to Her Majesty's Government.

"His Excellency is of opinion that, if any reliance is to be placed on the concurrent testimony of all from whom he has derived information on the subject, the report of the Commissioner of Crown Lands and Emigration, on which his recent proclamation is founded, contains but a faint description of the injury inflicted on this Province, and of the cruel injustice done to the militiamen, by the manner in which the intentions of the Home Government with respect to these claimants have been defeated by the Local Executive.

"It appears to His Excellency that the intentions of the Prince Regent in awarding land to those officers and men of the militia who had loyally and gallantly served during the last American war, were, in part, to promote the settlement of wild lands, and the consequent prosperity of the Province, but chiefly, there can be no doubt, to bestow upon that body of loyal and gallant men some extraordinary recompense for the privations and dangers which they had cheerfully incurred in defence of the country. His Excellency is satisfied that neither result was obtained in any but so slight a degree as to be scarcely worth notice. But the Governor-General perceives on the other hand, that results occurred, as to the great majority of cases, precisely opposite to those which the Home Government had in view. The official delays and obstacles interposed between the militia claimants and the grants to which they were entitled—the impossibility, in many cases, of ever obtaining a grant, even after the most vexatious impediments and delays—the mode of allotting the land in such a manner, that the grant when obtained was often worth nothing at all, and seldom worth the trouble and expense of obtaining it—the necessity of employing and paying agents acquainted with the labyrinths of the Crown Lands and Surveyor General's Departments—the expense, uncertainty, and harrassing trouble attendant upon the pursuit of such a claim—all these circumstances, for which His Excellency is compelled to believe that the public offices were alone to blame, had the effect, he is convinced, in the majority of cases, of convertiug what the Prince Regent had intended as a boon, into a positive injury to the militia-men. He is assured, as might have been expected, that the militia-men disposed of their claims, often for a mere trifle, to land speculators, who never intended to settle upon the grants, and who have for the most part kept the land in a state of wilderness; thereby defeating the only other intention with which the Home Government could have determined on making these grants. From a careful inspection of the evidence taken on this subject from official gentlemen, as well as others, His Excellency is led to concur entirely in that part of the Commissioners' report, which states, that 'there has been the *maximum* of injury to the Province, with the *minimum* of benefit to the militia-men.'

"This crying grievance His Excellency finds has been over and over again, and in various forms, represented to the Government, but without any attempt, as far as he can discover, to provide an adequate remedy for it. He is encouraged to hope that the measure on which he has determined may, as respects the claims yet unsettled, be the means of carrying into effect, however tardily, the objects of the Prince Regent, by conferring a considerable boon on these meritorious but long disappointed claimants, and conducing to the settlement of the lands which may thus be alienated by the Crown.

"The Governor-General further directs me to make you acquainted with his confident expectation that you will proceed, with the utmost despatch not incompatible with accuracy, to determine all unsettled claims; that, in awarding orders to persons whose claims could not have been admitted under the original proclamation, but will now be held valid, you will take care not to admit any claims except those of the six battalions and of others who actually served for the same period, and precisely in the same manner as the six battalions. His Excellency cannot doubt, moreover, that you will spare no pains in endeavouring to secure to the class of militiamen the advantage which was intended for them alone, and which they ought long since to have received. As one means of this most desirable end, His Excellency is of opinion that you should explain to all claimants, that the orders for a nominal amount of money which you may award will have the full value of money at future sales of Crown lands, and ought therefore to be exchangeable for money, if not for the whole sum named in them, still for one of nearly the same amount. I am, &c.

"C. BULLER, Chief Secretary."

The purposes of the home Government, judging by the general instructions which they gave to the local Executive, would seem to have been dictated by a

sincere, and also an enlightened desire, to promote the settlement and improvement of the country As respects Upper Canada, instructions, dated July, 1827, established as a general rule for the disposal of public lands in future, that free grants should be discontinued, and that a price should be required for land alienated by the Crown. The quantity of land disposed of by sale since those instructions were given, amounts to 100,317 acres; the quantity disposed of during the same period by free grant, all in respect of antecedent claims, is about 2,000,000 acres, being above 19 times as much as has been disposed of according to the new rule.

The instructions were obviously prepared with care for the purposes of establishing a new system, and placing the whole of the disposal of Crown lands in the hands of a commissioner, then for the first time appointed. The commissioner never assumed the control of any other portion of these lands than such as were included in returns made to him by the Surveyor-General, amounting to no more than about 300,000 acres All the rest of the land open for disposal remained, as previously, under the control of the Surveyor-General, as an agent of the Government for locating free grants. The salary of the commissioner was £500 a year, besides fees; the whole service during ten years was the superintendence of the sale of 100,000 acres of wild land. The same person was also Surveyor-General of Woods and Forests, with a salary of £500 a year, and agent for the sale of Clergy Reserves, with £500 a year.

In Lower Canada, under instructions from the Treasury, dated in November, 1826, which were confirmed and further enforced by Lord Goderich in 1831, who manifestly intended to supersede the old system of free grants by an uniform system of sale, 450,469 acres have been sold, and 641,039 acres have, in respect of antecedent claims, been disposed of by free grant; and the object of the new rule of selling was defeated by the large amount of free grants. Even at this moment, in the two Provinces, where I was assured before I left England that the system of selling had been uniformly established by Lord Goderich's regulations of 1831, there are unsettled, but probably indisputable claims for free grants, to the amount of from 1,000,000 to 1,300,000 acres The main alteration which Lord Goderich's regulations would have made in the system intended to have been established by the Treasury instructions of 1826, was to render the price more restrictive of appropriation, by requiring payment in less time, and the payment of interest in the meanwhile. This direction appears to have been totally disregarded in both Provinces. As respects Lower Canada, the head of the Crown Lands Department gives the following evidence on the subject:—

"How did it happen that this instruction was not acted upon?—In consequence of a representation from Mr. Felton, the Commissioner of Crown Lands to Lord Aylmer, the Governor of the Province, stating that the terms imposed were too severe, and amounted, in fact, to exacting the whole purchase-money down.—Lord Aylmer, upon this, authorised Mr. Felton to continue the former practice, and it is understood reported the circumstance to the Home Government. This was in 1832, and the system of longer credit without interest continued to be acted upon until the receipt of Lord Glenelg's despatch of 1837, which required payment in ready money at the time of sale."

I have already pointed out the importance of accurate surveys of the public land. Without these there can be no security of property in land, no certainty even as to the position or boundaries of estates marked out in maps or named in title deeds. In Nova Scotia, says the present Surveyor-General, "there are very many instances of litigation in consequence of inaccurately defined boundaries." Mr. M'Kenzie, a draughtsman of the Surveyor-General's office at Halifax, who is also employed to conduct surveys in the field, says, he "has found it impossible to make correct surveys in consequence of inaccuracy as to former lots of land, from which of necessity he measures, and also from surveys being inaccurately made by persons not qualified. In many cases, also, the boundaries of land granted have never been surveyed or laid out at all. The present state of surveys is inadequate and injurious to the settlement of the land." In New Brunswick, says the present Surveyor-General, "no survey of the Province has ever been

made, and the surveys of the old grants are extremely erroneous, and expose errors and collisions which could not have been supposed to exist. It frequently has occurred that different grants are made for the same lot of land I think this system pernicious, and it will some day be very injurious. The usual practice cannot be relied on as giving a settler a grant of land that cannot be disturbed, without great care and a greater expense than a poor settler can afford." In Upper Canada, Mr. Radenhurst asserts that "the surveys throughout the Province generally are very inaccurate. This inaccuracy was produced in the first instance by the deficiency of competent persons, and the carelessness with which the surveys were conducted. Latterly the practice introduced by Sir Peregrine Maitland, in spite of the results being pointed out by the then Surveyor General, of letting out the surveys to any person who was willing to contract for them for a certain quantity of land, produced extreme carelessness and inaccuracy. The surveyors just hurried through the township, and of course made surveys, which, on the ground, are found to be very inaccurate. There are instances in which scarcely a single lot is of the dimensions or in the position actually assigned to it in the diagram. The consequences of this have been confusion and uncertainty in the possessions of almost every man, and no small amount of litigation." As to Lower Canada, the evidence is still more complete and satisfactory. The Commissioner of Crown Lands says, in answer to questions, "I can instance two townships, Shefford and Orford (and how many more may prove inaccurate, as questions of boundary arise, it is impossible to say), which are very inaccurate in their subdivision. On actual recent survey it has been found that no one lot agrees with the diagram on record The lines dividing the lots, instead of running perpendicularly according to the diagram, actually run diagonally, the effect of which is necessarily to displace the whole of the lots, upwards of 300 in number, from their true position. The lines dividing the ranges are so irregular as to give to some lots two and a half times the contents of others, though they are all laid down in the diagram as of equal extent; there are lakes also which occupy nearly the whole of some lots that are entirely omitted: I have heard complaints of a similar nature respecting the township of Grenville. I have no reason for believing that the surveys of other townships are more accurate than those of Shefford and Orford, other than that in some parts of the country the same causes of error may not have existed, whether physical causes, such as that of magnetic attraction, where there really was a survey, or, in cases where there was no actual survey, the negligence of the surveyor. The inaccuracy of which I have spoken is confined to that part of the Province which is divided into townships There are 109 townships of about 100 square miles each, including all the land which has been disposed of by the British Government, except the seigniories which were erected by that Government shortly after the conquest. Similar difficulties to those which might arise in settling a question of title between the Crown and an alleged squatter, arising from the inaccuracy of the township surveys, would extend to all grants and sales by the Crown, and also to all questions of title between persons claiming to have a grant, or to have purchased from the Crown, and alleged squatters on the land asserted to be theirs, and more or less to all cases in which different persons should claim to have received or purchased the same piece of land from the Crown. It is a general observation that this state of the Crown surveys must prove a source of interminable litigation hereafter; it is impossible to say how many cases may arise of double grants of the same land under different designations, arising from the defective state of the svrveys. None of such cases have come before me in an official shape, but I apprehend that questions of that nature are waiting in great numbers until lands shall have become more valuable, when the Crown will be called in upon every occasion to defend its own grant, and, considering the state of the surveys, will be without the means of such defence, unless measures to prevent the evil should be adopted before its occurrence. In common with every person who has ever reflected on the subject, I consider this a subject of very high importance, and demanding the immediate attention of Government." Mr. Daly, the Secretary of the Province, says—"An accurate survey of the whole of the un-

granted lands in the Province I believe to be extremely desirable and necessary to quiet doubts that have arisen in the minds of many new settlers as to the correctness of their boundaries." Mr. Patrick Daly, commissioned Surveyor of the Province, gives the following evidence:—

"You are just come to Quebec to make a representation as to the state of the township of Durham?—I am.

"What is the point which you wish to ascertain?—Whether I can have authority to establish a new line between the 6th and 7th ranges of the township of Durham.

"What would be the consequence of such a change?—In consequence of a part of the old range-line being found incorrect to the extent of 60 perches, whereby the 7th would lose about one-fifth of its dimension, and the same amount would be improperly added to the sixth; the change I wish to make would set this right.

"How did you discover that the line was incorrect?—In consequence of having been employed by Captain Ployart, of Durham, to run the side lines of lot No. 15,, in the 6th range, in order to determine the extent of his property, he being the proprietor of that lot, I discovered that the line was incorrect, as I have described already; and I cannot proceed to rectify the error without authority from the Governor, or some person appointed by the Governor, as we have not any laws in the Province to enable me to make a new range-line, as the old range-line is not to be found, with the exception of a small part, which is in the wrong place as I have described.

"Would a new line have the effect of taking away land, in actual possession, from any person, and giving it to another?—Yes, it would.

"Do you suppose that the other range-lines in this township are correct or incorrect?—Some are correct, but they are generally incorrect; my attention, however, has not been particularly called to them.

"Are not the proprietors of the other lots which are incorrect anxious to have the limits of their property settled?—Yes, very anxious; more particularly the inhabitants of the third range, about one quarter of whose property is taken by the inhabitants of the second range, through the means of an erroneous old range-line, as has been proved by various subsequent surveys duly sworn to. I am requested by all the inhabitants of the third range to take steps to obtain a new range-line

"Have they ever applied before for this rectification of the survey?—Yes; they applied to the Surveyor-General's department, by a statement made by me, and now in the Surveyor-General's office; but the answer was, that there was no law in the Province to authorize the changing of a range-line, however incorrect, without the consent of all the parties concerned.

"Then all parties did not concur in this case?—No, they did not.

"Why not?—Because many of those who improperly gained by the error wished to retain what rightly belonged to their neighbour.

"As the former application was fruitless, upon what ground do you now proceed?—Upon the confidence, that as Lord Durham has greater powers than other Governors, he may be pleased to consider this great loss of property to the people, and give orders to correct the evil.

"Are you acquainted with other townships?—Yes.

"Have you found the surveys of them generally correct or incorrect?—I have found the surveys of the township of Windsor as incorrect, or even more so than that of the township of Durham, which can be proved by the most reliable testimony. Generally, with the exception of the township of Wickham, I have found them quite incorrect I speak only from my personal experience, and not from what I have heard."

Mr. Sewell, recently chief-justice of the province, says:—

"I have known of many defects in the surveys, which have appeared in many cases before me, and am apprehensive that they are very numerous. I can only state, from my own opinion, two remedies by which these defects may be in some degree remedied: the one is by running anew the outline of the several townships; the other, an act to give quiet possession, such as has been heretofore passed in

other provinces. I am afraid that running the outlines of the townships would not be of any great benefit beyond exposing the errors." Mr. Kerr says :—"It is generally understood that the surveys in many of the various townships are very inaccurate ; and many of the surveys have been found to be so. I had in my hand the other day a patent for four lots in the township of Inverness, three of which did not exist, granted to a Captain Skinner. Three of the lots were decided not to be in existence ; and I received compensation for them in another township. A great error was discovered in the original survey of the township of Leeds. The inaccuracy of the surveys is quite a matter of certainty. I could cite a number of townships ; Milton, Upton, Orford, Shefford, &c., where the inaccuracy has been ascertained. Inconvenience from the inaccuracy of the surveys has been felt ; but is only now beginning to be so seriously. As the settlement of the country advances, and land acquires a greater value, great inconvenience must arise in the shape of endless questions of title : and of this many people are so well aware, that they refuse to sell with a guarantee of title "

I may add, genenerally, that I found the surveying department in Lower Canada so thoroughly inefficient in its constitution, as to be incapable of any valuable improvement ; and that I therefore abstained from interfering with it, trusting that the whole future management of the public lands would be placed on a new footing, calculated to remedy this, as well as all the other evils of the present system.

Another of those evils requires some notice here. In the United States the title to land purchased of the government is obtained immediately and securely, on payment of the purchase money. In all the British colonies there is more or less of useless formality, and consequent delay, in procuring a complete title to land which has been paid for. Dr. Baldwin, speaking of Upper Canada, says ;—"I do not know that there was any more constant subject of complaint on the part of individuals against the government, than the delays of office, especially in connection with land granting. It frequently happened to myself, and I believe to others also, that during the time when free grants of land, of small amount, were made to actual settlers, persons who had spent their money in waiting for the completion of the grant, have applied to me for employment while the patent was being perfected, and I have furnished it for a short time. The most striking instance that occurred in my knowledge, in which an individual was injured by the delay to which he was exposed in this respect, was that of a man of the name of Burnes, who, in Sir Peregrine Maitland's time, having fallen in debt to some persons whom he had employed, was pressed by them for the money. At this time a patent was in progress through the offices for him. He applied to his creditors to give him time till his patent was completed, which would enable him to raise money to pay them. The creditors were willing, and waited for some time, but at last became impatient, and they arrested him, and he was compelled to go to prison The patent had passed through the offices, but he was compelled to remain in prison a fortnight, while the patent was sent over to the Governor for his signature, at his residence near the Falls of Niagara." A recent act of the Legislature of Upper Canada has greatly mitigated this evil, which however remains in full force in Lower Canada. Mr. Kerr says :—"As soon as the purchaser has paid the last instalment, he is referred to the Crown Lands Officer, to whom the payment is made, for patent to the Surveyor General for the necessary specification. Then the specification, with reference, is sent to the Commissioner of Crown Lands. These documents are next sent to the Secretary of the Governor, or Civil Secretary, who directs the Provincial Secretary to engross the patent. The fees are then levied, and, upon the payment of the fees, the Provincial Secretary engrosses. On engrossment being made, the Governor sings the patent. and the great seal of the province is attached to it. The signature is procured by the Provincial Secretary. The patent is then sent to the Commissioner of Crown Lands to be audited. At present one of the commissioners audits : this used to be done by the auditor, but the office of auditor has been abolished. When the audit is made, the title is said to be perfected. The effect of having to refer to so many persons has been the total loss of many references, and the papers con-

nected with them, in one or other of the offices. There have been cases in which I was referred three times for the same patent, all the papers having been lost twice successively. In some cases the papers are found again, but at too late a period to be available. The shortest time within which I have known a title to be perfected is about six weeks, and the longest about eight years. More than ordinary diligence was used in the case of six weeks. I obtained an order from the Governor for a special reference for my patent to take priority of all others then in the office. The average period required for completing a title, after the purchase has been completed by the payment of the whole of the purchase-money, is full fifteen months. I am satisfied that the present system is a serious impediment to the settlement of the country; and that no extensive measure for that purpose can work well, unless the mode of obtaining title after purchase be rendered much more simple. Immediate dispatch with title is what is required to encourage purchasers, and prevent uncertainty and discontent. I have been directed by purchasers to apply for the return of their purchase-money from the Crown, because of the delay which has occurred. The present system is so profitable to agents, that, speaking as an agent, I should be sorry to see it abolished. One of the inconveniences to the public is the necessity of employing agents acquainted with the labyrinths through which each reference has to pass."

The results of this general mismanagement are thus illustrated by the chief agent for emigrants in Upper Canada:—

"The principal evils to which settlers in a new township are subject, result from the scantiness of population. A township contains 80,000 acres of land; one-seventh is reserved for the clergy and one-seventh for the Crown; consequently five-sevenths remain for the disposal of government, a large proportion of which is taken up by grants to U. E. Loyalists, militiamen, officers and others; the far greater part of these grants remain in an unimproved state. These blocks of wild land place the actual settler in an almost hopeless condition: he can hardly expect, during his lifetime, to see his neighbourhood contain a population sufficiently dense to support mills, schools, post-offices, places of worship, markets, or shops; and without these civilization retrogrades. Roads under such circumstances can neither be opened by the settlers, nor kept in proper repair, even if made by the government. The inconvenience arising from want of roads is very great, and is best illustrated by an instance which came under my own observation in 1834. I met a settler from the township of Warwick, on the Caradoc Plains, returning from the grist-mill at Westminster with the flour and bran of thirteen bushels of wheat. He had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home till the following evening. Light as his load was, he assured me that he had to unload wholly or in part several times, and after driving his waggon through the swamps, to pick out a road through the woods where the swamps or gullies were fordable, and to carry the bags on his back and replace them in the waggon. Supposing the services of the man and his team to be worth two dollars per day, the expense of transport would be twenty dollars. As the freight of wheat from Toronto to Liverpool (England) is rather less than 2s. 6d. per bushel, it follows that a person living in this city could get the same wheat ground on the banks of the Mersey, and the flour and bran returned to him, at a much less expense than he could transport it from the rear of Warwick to Westminster and back—a distance less than ninety miles. Since 1834 a grist-mill has been built in Adelaide, the adjoining township, which is a great advantage to the Warwick settlers; but the people in many parts of the Province still suffer great inconvenience from the same cause."

Mr. Rankin, deputy land surveyor, says, "The system of making large grants to individuals who had no intention of settling them, has tended to retard the prosperity of the colony by separating the actual settlers, and rendering it so much more difficult, and in some cases impossible, to make the necessary roads. It has also made the markets more distant and more precarious. To such an extent have these difficulties been experienced as to occasion the abandonment of settlements which had been formed. I may mention, as an instance of this, the

township Rama, where, after a trial of three years, the settlers were compelled to abandon their improvements. In the township of St. Vincent, almost all the most valuable settlers have left their farms from the same cause. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties which I have described, have left their farms." This witness, who was for ten years employed by government as deputy surveyor in the Western District, which I have before described as the finest grain country in North America, states that "nine-tenths of the land granted by the Crown in that District are still in a state of wilderness."

For illustrations of the same kind as respects Lower Canada, I would refer to the testimony of the Commissioner of Crown Lands, Mr. Kerr, the deputy post master general, Mr. Russell, Major Head, Mr. Keough, the late Chief Justice, and Mr. Lemesurier.

Mr. Kerr says, "The main obstacle to the speedy settlement and cultivation of all the more fertile parts of the Province is private land remaining wild; inasmuch as the land of the Crown is open to purchase, which is not generally the case with that of private individuals, excepting at too exorbitant a price. So injurious is the existence of this quantity of wild land, in the midst or in the neighbourhood of a settlement, that numerous cases have occurred in which a settler, after several years residence upon his property, and having expended in labour from £20 to £50 in clearing part of it and building his house, has been driven to abandon the farm, and to sell for it one-third, or even one-fourth of the sum that he had expended upon it. I have myself bought farms which have been abandoned in this way, for the merest trifle One, I recollect now, consisted of 100 acres in the township of Kingsey, a beautiful part of the District of Three Rivers, with rather more than 20 acres cleared, and a good house and outhouses erected upon it, for which I paid under £30. I could give very many instances of a similar kind, where I have either purchased myself, or have had a personal knowledge of the circumstances."

One of the most remarkable instances of evils resulting from profuse grants of land is to be found in Prince Edward's Island. Nearly the whole of the island (about 1,400,000 acres) was alienated in one day, in very large grants, chiefly to absentees, and upon conditions which have been wholly disregarded. The extreme improvidence which dictated these grants is obvious; the neglect of the government as to enforcing the conditions of the grant, in spite of the constant efforts of the people and the Legislature to force upon its attention the evils under which they laboured, is not less so. The great bulk of the island is still possessed by absentees, who hold it as a sort of reversionary interest, which requires no present attention, but may become valuable some day or other through the growing wants of the inhabitants. But in the meantime, the inhabitants are subjected to the greatest inconvenience, nay, to the most serious injury, from the state of property in land. The absent proprietors neither improve the land, nor will let others improve it. They retain the land and keep it in a state of wilderness. I have, in another place, adverted to the remedy proposed, and the causes which have long retarded its adoption. The feelings of the colonists upon the subject are fully expressed in the evidence of Mr. Lelacheur, Mr Solicitor General Hodgson, and the Governor, Sir Charles Fitzroy. I may add, that their testimony was confirmed by that of the delegates from the island who visited me at Quebec.

In the above enumeration of facts, I do not profess to have exhausted the long catalogue of evils and abuses which were brought to my notice. But I have stated enough I trust, to establish the position with which I set out—that the disposal of public lands in a new country has more influence on the prosperity of the people than any other branch of government; and further, to make it evident that the still existing evils which have been occasioned by mismanagment in this department, are so great and general as to require a comprehensive and effectual remedy, applied to all the colonies, before any mereiy political reform can be expected to work well.

I now proceed to another subject, which, though intimately connected with the colonization and improvement of the Provinces, must yet be considered separately; for it is one in which not the colonial population only, but the people of the United Kingdom have a deep and immediate interest. I allude to the manner in which the emigration of the poorer classes from Great Britain and Ireland to the North American Colonies has hitherto been conducted.

About nine years ago, measures were for the first time taken to ascertain the number of immigrants arriving at Quebec by sea. The number during these nine years has been 263,089; and there have been as many in one year (1832) as 51,746. In the year before, the number was 50.254; in 1833, 21,752; in 1834, 30,935; in 1835, 12,527; in 1836, 27,728; in 1837, 22,500; and in 1838, only 4,992. The great diminution in 1838 was occasioned solely, I believe, by the vague fears entertained in this country of dangers presented by the distracted state of the colonies. I am truly surprised, however, that emigration of the poorer classes to the Canadas did not almost entirely cease some years ago; and that this would have been the case, if the facts which I am about to state had been generally known in the United Kingdom, there can, I think, be no rational doubt.

Dr. Morin, a gentleman of high professional and personal character, Inspecting Physician of the Port of Quebec, and Commissioner of the Marine and Emigrant Hospital, says—"I am almost at a loss for words to describe the state in which the emigrants frequently arrived; with a few exceptions, the state of the ships was quite abominable: so much so, that the Harbour-master's boat-men had no difficulty, at the distance of a gun-shot, either when the wind was favourable or in a dead calm, in distinguishing, by the odour alone, a crowded emigrant ship. I have known as many as from thirty to forty deaths to have taken place, in the course of a voyage, from typhus fever, on board of a ship containing from 500 to 600 passengers; and within six weeks after the arrival of some vessels, and the landing of the passengers at Quebec, the hospital has received upwards of 100 patients, at different times, from among them. On one occasion, I have known nearly 400 patients at one time in the Emigrant Hospital of Quebec, for whom there was no sufficient accommodation; and, in order to provide them with some shelter, Dr. Painchaud, the then attending Physician, with the aid of other Physicians, incurred a personal debt to the Quebec Bank, to a considerable amount—which, however, was afterwards paid by the Provincial Legislature." * * * "The mortality was considerable among the emigrants at that time, and was attended with most disastrous consequences: children being left without protection, and wholly dependent on the casual charity of the inhabitants of the city. As to those who were not sick on arriving, I have to say, that they were generally forcibly landed by the Masters of vessels, without a shilling in their pockets to procure them a night's lodging—and very few of them with the means of subsistence for more than a very short period. They commonly established themselves along the wharves, and at the different landing-places, crowding into any place of shelter they could obtain, where they subsisted principally upon the charity of the inhabitants. For six weeks at a time, from the commencement of the emigrant-ship seasons, I have known the shores of the River along Quebec, for about a mile and a half, crowded with these unfortunate people—the places of those who might have moved off being constantly supplied by fresh arrivals: and there being daily drafts of from ten to thirty taken to the hospital, with infectious disease. The consequence was, its spread among the inhabitants of the City—especially in the districts in which these unfortunate creatures had established themselves. Those who were not absolutely without money, got into low taverns and boarding-houses and cellars, where they congregated in immense numbers, and where their state was not any better than it had been on board ship This state of things existed, within my knowledge, from 1826 to 1832 and probably for some years previously"

Dr. Morin's testimony is confirmed by that of Dr. Skey, Deputy Inspector-General of Hospitals, and President of the Quebec Emigrants' Society. He says—"Upon the arrival of emigrants in the River, a great number of sick have landed. A regular importation of contagious diseases into this country has annually taken place; that disease originated on board ship, and was occasioned, I should say,

by bad management, in consequence of the ships being ill-found, ill-provisioned, over-crowded, and ill-ventilated. I should say, that the mortality during the voyage has been dreadful; to such an extent that, in 1834, the inhabitants of Quebec, taking alarm at the number of shipwrecks—at the mortality of the passengers—and the fatal diseases which accumulated at the Quarantine Establishment, at Grosse Isle, and the Emigrant Hospital of this City, involving the inhabitants of Quebec in the calamity, called upon the Emigrants' Society to take the subject into consideration, and make representations to the Government thereon"

The circumstances described, took place under the operation of the Act 9th Geo IV., commonly called the Passengers' Act, which was passed in 1825—repealed in 1827—and re-enacted in 1828. In 1835, an amended Passengers' Act was passed—the main features of which, so far as they differed from the former Act, are stated to have been suggested by the Quebec Emigrants' Society. Mr. Jessopp, Collector of Customs at the port of Quebec, speaking of emigration under the last Act, says—"It very often happens, that poorer emigrants have not a sufficiency of provisions for the voyage; that they should have a sufficiency of provisions, might be enforced under the Act, which authorises the inspection of provisions by the out-port agent for emigrants. Many instances have come to my knowledge in which from insufficiency of provisions, emigrants have been thrown upon the humanity of the Captain, or the charity of their fellow-passengers. It will appear, also, from the fact that many vessels have more emigrant passengers than the number allowed by law, that sufficient attention is not paid at the out-port to enforce the provisions of the Act, as to the proportions between the numbers and the tonnage. Such instances have not occurred this season (1838)—emigration having almost ceased, in consequence, I presume, of the political state of the Province; but last year there were several instances in which prosecution took place. Vessels are chartered for emigration by persons whose sole object is to make money, and who make a trade of evading the provisions of the Act.—This applies particularly to vessels coming from Ireland. We have found, in very many instances, that in vessels chartered in this way, the number was greater than allowed by law; and the Captains have declared, that the extra numbers smuggled themselves, or were smuggled on board, and were only discovered after the vessel had been several days at sea. This might be prevented by a stricter examination of the vessel. The Imperial Act requires that the names, ages, sex, and occupation of each passenger, should be entered in a list, certified by the Customs' Officer at the out-port, and delivered by the Captain, with the ship's papers, to the Officers of the Customs here. Lists, purporting to be correct, are always delivered to the Tide-surveyor, whose duty it is to muster the passengers, and compare them with the list; and this list, in many instances, is wholly incorrect as to names and ages." * * * * * * * The object of the falsification of the ages is to defraud the revenue, by evading the tax upon emigrants. * * * * * * "The falsification of names produces no inconvenience; and I have only referred to it for the purpose of showing the careless manner in which the system is worked by the agents in the United Kingdom." But Dr. Poole, Inspecting Physician of the Quarantine Station, at Grosse Isle, further explains the fraud, saying—"These falsifications are, first, for the purpose of evading the emigrant tax, which is levied in proportion to age, and the common fraud is to understate the age; and, secondly, for the purpose of carrying more passengers than the law allows, by counting grown persons as children: of which last the law allows a larger proportion to tonnage than of grown persons. This fraud is very common, of frequent occurrence, and it arises manifestly from want of inspection at home."

From this and other evidence, it will appear that the amended Passengers' Act alone, as it has been hitherto administered, would have afforded no efficient remedy of the dreadful evils described by Dr. Morin and Dr. Skey. Those evils have, however, been greatly mitigated by two measures of the Provincial Government: first, the application of a tax upon passengers from the United Kingdom, to providing shelter, medical attendance, and the means of further transport to destitute emigrants; secondly, the establishment of the quarantine station at Grosse Isle,

a desert Island, some miles below Quebec, where all vessels arriving with cases of contagious disease are detained; the diseased persons are removed to an hospital, and emigrants not affected with disease are landed, and subjected to some discipline for the purpose of cleanliness, the ship also being cleaned while they remain on shore. By these arrangements, the accumulation of wretched paupers at Quebec, and the spread of contagious disease, are prevented. An arrangement, made only in 1837, whereby the quarantine Physician, at Grosse Isle, decides whether or not an emigrant ship shall be detained there, or proceed on its voyage, has, to use the words of Dr. Poole, "operated as a premium to care and attention on the part of the Captain, and has had a salutary effect on the comfort of the emigrants."

I cordially rejoice in these improvements, but would observe, that the chief means by which the good has been accomplished, indicates the greatness of the evil that remains. The necessity of a quarantine establishment for preventing the importation of contagious disease from Britain to her Colonies, as if the emigrants had departed from one of those eastern countries which are the home of the plague, shows, beyond a doubt, either that our very system of emigration is most defective, or that it is most carelessly administered.

It is, I know, contended in this country that, though great defects existed formerly, present arrangements are very different, and no longer objectionable.—For example, in the report of the Agent General for Emigration from the United Kingdom, ordered by the House of Commons to be printed 14th May, 1838, it is stated, with reference to that emigration to the Canadas before the year 1832, which has been described by Dr. Morrin and Dr Skey, eye-witnesses of the miseries and calamities that took place, that "these great multitudes had gone out by their own means, and disposed of themselves through their own efforts, without any serious or lasting inconvenience" * * * * "A practice," it is added, "which appeared to thrive so well spontaneously"

The same report states, with reference to the present operation of the Passengers' Act, and the officers employed by the Colonial Department to superintend its execution, that "their duty is to give ease and security to the resort to the Colonies, and to promote the observance of the salutary provisions of the Passengers' Act. In all that relates to emigration they constitute, as it were, in every port, the appointed poor man's friend. They take notice whether the ship offered for his conveyance is safe and fit for its purpose; they see to the sufficiency of the provisions on board; they prohibit over-crowding; and make every effort to avert or to frustrate those numerous and heartless frauds which are but too constantly attempted, at the moment of departure, upon the humbler classes of emigrants." "Every effort," adds the reporter, speaking of emigrants to North America, "is made for the ease and safety of their transit."

At Quebec, at least, where are landed the great majority of emigrants to the North American Colonies, an opinion prevails which is greatly at variance with the above representation. Nobody in the Colony denies that the Passengers' Act, and the appointment of agents to superintend its execution, is a considerable improvement upon the utterly lawless and unobserved practices of former times; nor, I should imagine, would any one in this country object to such an approach, however distant, to the systematic and responsible management of emigration, which has been repeatedly urged upon the Government of late years; but that there is still great room for further improvement, as respects emigration to the Colonies in North America, is, I think, established by Mr. Jessopp, and the following evidence of Dr. Poole:

Dr. Poole holds an important office, of which I am enabled to state that he has performed the duties with great skill and exemplary diligence. He did not volunteer the information he has supplied. He was summoned to give evidence before the Commissioners of Inquiry on Crown Lands and Emigration; and it was in answer to questions put to him that he said, 'I have been attached to the station at Grosse Isle for the last six years My description applies down to the present year. We had last year upwards of 22,000 emigrants. The poorer class of Irish, and the English paupers, sent by parishes, were, on the arrival of vessels, in many instances, entirely without provisions, so much so, that it was ne-

vessary immediately to supply them with food from shore; and some of these ships had already received food and water from other vessels with which they had fallen in. Other vessels with the same class of emigrants, were not entirely destitute, but had suffered much privation by being placed on short allowance. This destitution, or shortness of provisions, combined with dirt and bad ventilation, had invariably produced fevers of a contagious character, and occasioned some deaths on the passage; and from such vessels numbers, varying from 20 to 90 each vessel, had been admitted to hospital with contagious fevers immediately on their arrival I attribute the whole evil to defective arrangements: for instance, parish emigrants from England receive rations of biscuit and beef, or pork, often of bad quality (of this I am aware from personal inspection); they are incapable from sea-sickness of using this solid food at the beginning of the passage, when, for want of small stores, such as tea, sugar, coffee, oatmeal, and flour, they fall into a state of debility and low spirits, by which they are incapacitated from the exertions required, for cleanliness and exercise, and also indisposed to solid food, more particularly the women and children; and, on their arrival here, I find many cases of typhus fever among them' * * 'I also wish to mention as loudly calling for remedy, a system of extortion carried on by masters of vessels, chiefly from Ireland, whence come the bulk of our emigrants. The captain tells emigrants the passage will be made in three weeks or a month, and they need not lay in provisions for any longer period, well knowing that the average passage is six weeks, and that it often extends to eight or nine weeks. When the emigrant's stores are exhausted, the captain, who has laid in a stock for the purpose, obliges them to pay often as much as 400 per cent. on the cost price for the means of subsistence, and thus robs the poor emigrant of his last shilling. Such cases are of frequent occurrence, even down to the present year.' * * * 'Parish emigrants are generally at the mercy of the captain or mate, who serve out the provisions, and who frequently put emigrants on short allowance soon after their departure. Complaints of short weight and bad quality in the provisions are frequently made.' * * * 'The captains have in many instances told me, that the agents only muster the passengers on deck, inquire into the quantity of provisions, and, in some cases require them to be produced, when occasionally the same bag of meal or other provisions was shown as belonging to several persons in succession. This the captain discovered after sailing The mere mustering of the passengers on deck, without going below, where the provisions are kept, is really no inspection at all; and it frequently happens that passengers are smuggled on board without any provisions.' * * * 'Very few of these vessels have on board a sufficient quantity of water, the casks being insufficient in number, and very many of them old oak casks, made up with pine heads which therefore leak, if they do not fall to pieces, which often happens. I have had many similar cases from Liverpool.' * * * 'That part of the law which regulates the height between decks of emigrant ships is frequently evaded in the smaller class of vessels, by means of a false deck some distance below the beams, bringing the passengers nearly in contact with the damp ballast, pressing them into the narrow part of the ship, and the beams taking an important part of the room allotted to them by law. It is quite impossible that such fittings should escape observation in the port of departure, if that part of the vessel intended for emigrants be visited.' * * * 'There is another evil which might be readily obviated by a proper selection of vessels at home—that of employing as emigrant ships vessels that are scarcely sea-worthy; and which, consequently being unable to carry sail, make very long passages As the tonnage of the best class of vessels coming to Canada is more than sufficient to bring all the emigrants in any year, the employment of these bad ships ought not to be permitted.' * * * 'The reports made to me by the class of captains and surgeon superintendents now bringing passengers, are seldom to be relied upon. In illustration, I beg leave to mention a case that occurred last year. It was a vessel with about 150 passengers on board, from an Irish port. The captain assured me that they had no sickness on board; and the surgeon produced a list, which he signed, of certain slight aliments, such as bowel complaints and catarrhs, which had occurred during the passage, and which appeared on the list with the remark 'cured' to

all of them. On making my usual personal inspection, I found and sent to the hospital upwards of 40 cases of typhus fever, of which nine were below in bed,—these nine they had not been abie to get out of bed. Many of the others were placed against the bulwarks, to make a show of being in health, with pieces of bread and hot potatoes in their hands. As there are many most respectable captains in the lumber trade, a proper selection by the emigrant agents at home would prevent this abuse.' * * * * * * * The medical superintendence on board vessels, obliged by the Passengers' Act to carry a surgeon is very defective. The majority of such persons called surgeons are unlicensed students and apprentices, or apothecaries' shopmen, without sufficient medical knowledge to be of any service to the emigrants, either for the prevention or cure of diseases. On board a ship the knowledge of the means of preventing disease in such a situation is the first requisite in a medical man, and in this the medical superintendents are lamentably deficient. It is not much better as to the cure of diseases. I boarded a ship last year, of which the captain and three passengers, who had met with accidents, had their limbs bandaged for supposed fractures, which, upon examination, I found were only simple strains or bruises. On examining the captain's arm, I said that there had been no fracture. The surgeon, so called, replied—'I assure you that the *tibia* and *fibula* are both broken.' It happens that the *tibia* and *fibula* are bones of the leg. This is an extreme case, apparently; but it is not an unfair illustration of the ignorance and presumption of the class of men appointed to comply with that part of the act which is intended to provide for the medical care of emigrants during the voyage."

The Agent-General's report, which was laid before Parliament last year, does not even allude to another feature of our system of emigration, on which I have yet to offer some remarks. However defective the present arrangements for the passage of emigrants, they are not more so than the means employed to provide for the comfort and prosperity of this class after their arrival in the colonies.—Indeed, it may be said that no such means are in existence. It will be seen, from the very meagre evidence of the agent for emigrants at Quebec, that the office which he holds is next to useless. I cast no blame on the officer, but would only explain, that he has no powers, nor scarcely any duties to perform. Nearly all that is done for the advantage of poor emigrants, after they have passed the Lazaretto, is performed by the Quebec and Montreal Emigrants' Societies—benevolent associations of which I am bound to speak in the highest terms of commendation; to which, indeed we owe whatever improvement has taken place in the yet unhealthy mid-passage, but which, as they were instituted for the main purpose of relieving the inhabitants of the two cities from the miserable spectacle of crowds of unemployed and starving emigrants, so have their efforts produced little other good than that of facilitating the progress of poor emigrants to the United States, where the industrious of every class are always sure of employment at good wages. In the report on emigration, to which I have alluded before, I find favourable mention of the principle of entrusting some parts of the conduct of emigration rather to "charitable committees" than to "an ordinary department of Government." From this doctrine I feel bound to express my entire dissent. I can scarcely imagine any obligation which it is more incumbent on Government to fulfil than that of guarding against an improper selection of emigrants, and securing to poor persons disposed to emigrate every possible facility and assistance, from the moment of their intending to leave this country, to that of their comfortable establishment in the colony. No less an obligation is incurred by the Government, when, as is now the case, they invite poor persons to emigrate by tens of thousands every year. It would, indeed, be very mischievous if the Government were to deprive emigrants of self-reliance, by doing everything for them; but when the State leads great numbers of people into a situation in which it is impossible that they should do well without assistance, then the obligation to assist them begins; and it never ends, in my humble opinion, until those who have relied on the truth and paternal care of the Government are placed in a situation to take care of themselves. How little this obligation has been regarded, as respects emigration to your Majesty's North American colonies, will be seen from the following evidence:—

Mr. Buchanan, the chief agent for emigrants at Quebec, says, "I have no communication from the Agent General of Emigration;" and "the instructions I have mentioned as regulating the proceedings of my office do not, I conceive, contain any specific directions as to the duties I have to perform. In fact, they were not addressed to my office at all. I suppose that they were transmitted to my predecessor, in order that he might be acquainted with the views of the home Government on the subject." "There may have been specific instructions for the guidance of the agent for emigrants, but I am not aware of any. I have myself followed the routine that I found established."

Dr. Skey says, "A pauper emigrant on his arrival in this Province is generally either with nothing or with a very small sum in his pocket; entertaining the most erroneous ideas as to his prospects here; expecting immediate and constant employment, at ample wages; entirely ignorant of the nature of the country; and of the place where labour is most in demand, and of the best means by which to obtain employment. He has landed from the ship, and from his apathy and want of energy has loitered about the wharves, waiting for the offer of employment; or, if he obtained employment, he calculated upon its permanency, and found himself, at the beginning of the winter, when there is little or no employment for labour in this part of the country, discharged, and without any provision for the wants of a Canadian winter. In this way emigrants have often accumulated in Quebec at the end of summers, encumbered it with indigent inhabitants, and formed the most onerous burden on the charitable funds of the community."

Mr. Forsyth says, "Emigration has improved of late years with regard to the destitute sick and to the totally destitute by means of the Emigrant Society, and the fund raised by the emigrant tax; but with regard to the main body of emigrants, the evil results of a total want of system are as conspicuous as ever The great evils that have hitherto existed have arisen from the want of system, and especially from the want of all adequate means of information, advice, and guardianship. This want of information necessarily gives a vagrant character to their movements. Unable to obtain information as to the best mode of proceeding in this Province, they move onward to Toronto, and find the same want there; they become disgusted, and leave the Province in large numbers, to become citizens of the American Union. My observation on the subject has led me to estimate the proportion of emigrants from Britain who proceed to the United States at 60 in 100 during the last few years."

Mr. Stayner says, "Many of those poor people have little or no agricultural knowledge, even in a general way; and they are all ignorant of the husbandry practised in the country. The consequence is, that, after getting into 'the bush,' as it is called, they find themselves beset by privations and difficulties which they are not able to contend with, and, giving way under the pressure, they abandon their little improvements to seek a livelihood elsewhere. Many resort to the large towns in the Province, with their starving families, to eke out by day-labour and begging together a wretched existence; whilst others of them (more enterprising) are tempted, by the reputed high wages and more genial climate of the United States, to try their fortunes in that country. Now and then, some individual better gifted, and possessing more energy of character than the mass of adventurers who arrive, will successfully contend with those difficulties, and do well for himself and family; but the proportion of such is small."

Mr. Jessopp says, "Emigrants sent out by parishes are very generally inferior, both morally and physically, to those who have found their own way out. The parishes have sent out persons far too old to gain their livelihood by work, and often of drunken and improvident habits. These emigrants have neither benefitted themselves nor the country; and this is very natural, for judging from the class sent out, the object must have been the getting rid of them, and not either the benefit of themselves or the colony. An instance occurred very recently which illustrates this subject. A respectable settler in the eastern townships lately returned from England in a vessel, on board of which there were 136 pauper passengers sent out at the expense of their parishes; and out of the whole

number he could only select two that he was desirous of inducing to settle in the eastern townships. The conduct of the others, both male and female, was so bad, that he expressed his wish that they might proceed to the Upper Province, instead of settling in this district He alluded principally to gross drunkenness and unchastity The inhabitants of Quebec and Montreal are subject to constant appeals from persons who arrive here, and linger about in a state of total destitution."

The most striking exsmple, however, of the want of system and precaution on the part of Government is that of the old soldiers, termed, Commuted Pensioners, of whom nearly 3,000 reached the colonies in the years 1832 and 1833. A full description of the fate of these unfortunate people will be found in the evidence of Mr. Davidson, and others. Many of them landed in Quebec before the instructions had been received in the colony to pay them the sums to which they were to be entitled on their arrival, and even before the provincial Government knew of their departure from England Many of them spent the amount of their commutation money in debauchery, or were robbed of it when intoxicated. Many never attempted to settle upon the land awarded to them; and of those who made the attempt, several were unable to discover whereabouts in the wilderness their grants were situated. Many of them sold their right to the land for a mere trifle, and were left, within a few weeks of their arrival, in a state of absolute want. Of the whole number who landed in the colony, probably not one in three attempted to establish themselves on their grants, and not one in six remain settled there at the present time; the remainder generally lingered in the vicinity of the principal towns, where they contrived to pick up a subsistence by begging and occasional labour. Great numbers perished miserably in the two years of cholera, or from diseases engendered by exposure and privations, and aggravated by their dissolute habits. The majority of them have at length disappeared. The situation of those who survive calls loudly for some measure of immediate relief; it is one of extreme destitution and suffering. Their land is almost entirely useless, and they cannot obtain any adequate employment, either as farm labourers or domestic servants At the commencement of every winter, therefore, they are thrown upon the charity of individuals. In the Upper Province their situation is equally deplorable, and numbers must have perished from absolute starvation if they had not been fed by the provincial Government. I confidently trust that their pensions may be restored, and that, in future, whenever the Government shall interfere directly or indirectly in promoting the emigration of poor persons to these colonies, it will be under some systematic arrangements calculated to prevent the selection of classes disqualified from gaining by their removal, and to guard the other classes from the misfortunes into which they are now apt to fall through ignorance of the new country, and the want of all preparation for their arrival.

It is far from my purpose, in laying these facts before your Majesty, to discourage emigration to your Majesty's North American colonies. On the contrary, I am satisfied that the chief value of these colonies to the mother country consists in their presenting a field where millions even, of those who are distressed at home, might be established in plenty and happiness. All the gentlemen whose evidence I have last quoted are warm advocates of systematic emigration. I object, along with them, only to such emigration as now takes place---without forethought, preparation, method or system of any kind

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I have now brought under review, the most prominent features of the condition and institutions of the British Colonies in North America. It has been my painful task to exhibit a state of things which cannot be contemplated without grief, by all who value the well-being of our Colonial fellow-countrymen, and the integrity of the British Empire. I have described the operation of those causes of division which unhappily exist in the very composition of society; the disorder produced by the working of an ill-contrived Constitutional system, and the practical mis-management which these fundamental defects have generated in every department of Government.

It is not necessary that I should take any pains to prove, that this is a state of things which should not, which cannot continue. Neither the political nor the social existence of any community, can bear much longer the operation of those causes which have, in Lower Canada, already produced a long practical cessation of the regular course of Constitutional Government—which have occasioned the violation and necessitated the absolute suspension of the Provincial Constitution—and which have resulted in two insurrections—two substitutions of Martial for Civil Law—and two periods of a general abeyance of every guarantee that is considered essential for the protection of a British Subject's rights. I have already described the state of feeling which prevails among each of the contending parties, or rather their races; their all-pervading and irreconcileable enmity to each other; the entire and irremediable disaffection of the whole French population, as well as the suspicion with which the English regard the Imperial Government; and the determination of the French, together with the tendency of the English to seek for a redress of their intolerable present evils in the chances of a separation from Great Britain. The disorders of Lower Canada admit of no delay; the existing form of Government is but a temporary and forcible subjugation. The recent Constitution is one of which neither party would tolerate the re-establishment, and of which the bad working has been such that no friend to liberty or to order could desire to see the Province again subjected to its mischievous influence. Whatever may be the difficulty of discovering a remedy, its urgency is certain and obvious.

Nor do I believe that the necessity for adopting some extensive and decisive measure for the pacification of Upper Canada, is at all less imperative. From the account which I have given of the causes of disorder in that Province, it will be seen that I do not consider them by any means of such a nature as to be irremediable, or even to be susceptible of no remedy that shall not effect an organic change in the existing Constitution. It cannot be denied, indeed, that the continuance of the many practical grievances which I have described as subjects of complaint, and above all, the determined resistance to such a system of responsible Government, as would give the people a real control over its own destinies, have, together with the irritation caused by the late insurrection, induced a large portion of the population to look with envy at the material prosperity of their neighbours in the United States, under a perfectly free and eminently responsible Government; and, in despair of obtaining such benefits under their present institutions, to desire the adoption of a Republican Constitution, or even an incorporation with the American Union.—But I am inclined to think, that such feelings have made no formidable or irreparable progress; on the contrary, I believe that all the discontented parties, and especially the Reformers of Upper Canada, look with considerable confidence to the result of my mission. The different parties believe that when the case is once fairly put before the Mother Country, the desired changes in the policy of their Government will be readily granted: they are now tranquil, and I believe loyal; determined to abide the decision of the Home Government, and to defend their property and their country against rebellion and invasion. But I cannot but express my belief, that this is the last effort of their almost exhausted patience—and that the disappointment of their hopes on the present occasion, will destroy for ever their expectation of good resulting from British connection. I do not mean to say that they will renew the rebellion, much

less do I imagine that they will array themselves in such force as will be able to tear the government of their country from the hands of the great military power which Great Britain can bring against them. If now frustrated in their expectations, and kept in hopeless subjection to rulers irresponsible to the people, they will, at best, only await in sullen prudence the contingencies which may render the preservation of the province dependent on the devoted loyalty of the great mass of its popularion.

With respect to the other North American provinces, I will not speak of such evils as imminent, because I firmly believe that, whatever discontent there may be, no irritation subsists which in any way weakens the strong feeling of attachment to the British Crown and Empire. Indeed, throughout the whole of the North American provinces, there prevails among the British population an affection for the mother country, and a preference for its institutions, which a wise and firm policy on the part of the Imperial Government may make the foundation of a safe, honourable, and enduring connexion. But even this feeling may be impaired, and I must warn those in whose hands the disposal of their destinies rests, that a blind reliance on the all-enduring loyalty of our countrymen may be carried too far. It is not politic to waste and cramp their resources, and to allow the backwardness of the British Provinces everywhere to present a melancholy contrast to the progress and prosperity of the United States. Throughout the course of the preceding pages, I have constantly had occasion to refer to this contrast. I have not hesitated to do so, though no man's just pride in his country, and firm attachment to its institutions, can be more deeply shocked by the mortifying admission of inferiority. But I should ill discharge my duty to Your Majesty, I should give but an imperfect view of the real condition of these Provinces, were I to detail mere statistical facts, without describing the feelings which they generate in those who observe them daily, and daily experience their influence on their own fortunes. The contrast which I have described, is the theme of every traveller who visits these countries, and who observes on one side of the line the abundance, and on the other the scarcity, of every sign of material prosperity which thriving agiculture and flourishing cities indicate, and of that civilization which schools and churches testify even to the outward senses. While it excites the exultation of the enemies of British institutions, its reality is more strongly evinced by the reluctant admission of Your Majesty's most attached subjects. It is no true loyalty to hide from Your Majesty's knowledge the existence of an evil which it is in Your Majesty's power, as it is Your Majesty's benevolent pleasure, to remove: for the possibility of reform is yet afforded by the patient and fervent attachment which Your Majesty's English subjects in all these Provinces still feel to their allegiance and their mother country. Calm reflection and loyal confidence have retained these feelings unimpaired, even by the fearful drawback of the general belief that every's man property is of less value on the British than on the opposite side of the boundary. It is time to reward this noble confidence by showing that men have not indulged in vain the hope that there is a power in British instiutions to rectify existing evils, and to produce in their place a well-being which no other dominion could give. It is not in the terrors of the law or in the might of our armies that the secure and honorable bond of connexion is to be found. It exists in the beneficial operation of those British institutions which link the utmost development of freedom and civilization with the

stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of the protection and commerce of the British Empire.

But while I count thus confidently on the possibility of a permanent and advantageous retention of our connexion with these important colonies, I must not disguise the mischief and danger of holding them in their present state of disorder. I rate the chances of successful rebellion as the least danger in prospect. I do not doubt that the British Government can, if it choose to retain these dependencies at any cost, accomplish its purpose. I believe that it has the means of enlisting one part of the population against the other, and of garrisoning the Canadas with regular troops sufficient to awe all internal enemies. But even this will not be done without great expense and hazard. The experience of the last two years furnishes only a foretaste of the cost to which such a system of government will subject us. On the lowest calculation, the addition of £1,000,000 a year to our annual colonial expenditure will barely enable us to attain this end. Wtihout a change in our system of Government, the discontent which now prevails, will spread and advance. As the cost of retaining these colonies increases, their value will rapidly diminish; and if by such means the British nation shall be content to retain a barren and injurious sovereignty, it will but tempt the chances of foreign aggression. by keeping continually exposed to a powerful and ambitious neighbour, a distant dependency, in which an invader would find no resistance, but might rather reckon on active co-operation from a portion of the resident population.

I am far from presenting this risk in a manner calculated to irritate the just pride which would shrink from the thoughts of yielding to the menaces of a rival nation. Because, important as I consider the foreign relations of this question, I do not believe that there is now any very proximate danger of a collision with the United States, in consequence of that power desiring to take advantage of the disturbed state of the Canadas. In the despatch of the 9th of August I have described my impression of the state of feeling with respect to the Lower Canadian insurrection, which had existed, and was then in existence in the United States. Besides the causes of hostile feeling which originate in the mere juxtaposition of that power to our North American Provinces, I described the influence which had been undoubtedly exercised by that mistaken political sympathy with the insurgents of Lower Canada, which the inhabitants of the United States were induced to entertain. There is no people in the world so little likely as that of the United States to sympathize with the real feelings and policy of the French Canadians; no people so little likely to share in their anxiety to preserve ancient and barbarous laws, and to check the industry and improvement of their country, in order to gratify some idle and narrow notion of a petty and visionary nationality. The Americans who have visited Lower Canada, perfectly understand the real truth of the case; they see that the quarrel is a quarrel of races; and they certainly show very little inclination to take part with the French Canadians and their institutions. Of the great number of American travellers, coming from all parts of the union, who visited Quebec during my residence there, and whose society I, together with the gentlemen attached to my mission, had the advantage of

enjoying, not one ever expressed to any of us any approbation of what may be termed the national objects of the French Canadians, while many did not conceal a strong aversion to them. There is no people in the world to whom the French Canadian institutions are more intolerable when circumstances compel submission to them. But the mass of the American people had judged of the quarrel from a distance; they had been obliged to form their judgment on the apparent grounds of the controversy; and were thus deceived, as all those are apt to be who judge under such circumstances and on such grounds. The contest bore some resemblance to that great struggle of their own forefathers, which they regard with the highest pride. Like that, they believed it to be a contest of a colony against the empire whose misconduct alienated their own country; they considered it to be a contest undertaken by a people professing to seek independence of distant control and extension of popular privileges; and finally, a contest of which the first blow was struck in consequence of a violation of a colonial constitution, and the appropriation of the colonial revenues without the consent of the colonists. It need not surprise us that such apparently probable and sufficient causes were generally taken by the people of the United States as completely accounting for the whole dispute; that the analogy between the Canadian insurrection and the war of independence was considered to be satisfactorily made out; and that a free and high-spirited people eagerly demonstrated its sympathy with those whom it regarded as gallantly attempting, with unequal means, to assert that glorious cause which its own fathers had triumphantly upheld.

In the case of Upper Canada, I believe the sympathy to have been much more strong and durable; and, though the occasion of the contest was apparently less marked, I have no doubt that this was more than compensated by the similarity of language and manners, which enabled the rebels of the Upper Province to present their case much more easily and forcibly to those whose sympathy and aid they sought. The incidents of any struggle of a large portion of a people with its Government are sure, at some time or another, to elicit some sympathy with those who appear, to the careless view of a foreign nation, only as martyrs to the popular cause, and as victims of a government conducted on principles differing from its own; and I have no doubt that if the internal struggle be renewed, the sympathy from without will, at some time or another, reassume its former strength.

For it must be recollected that the natural ties of sympathy between the English population of the Canadas, and the inhabitants of the frontier states of the Union are peculiarly strong. Not only do they speak the same language, living under laws having the same origin, and preserve the same customs and habits, but there is a positive alternation, if I may so express it, of the populations of the two countries. While large tracts of the British territory are peopled by American citizens, who still keep up a constant connexion with their kindred and friends, the neighbouring states are filled with emigrants from Great Britain, some of whom have quitted Canada after unavailing efforts to find there a profitable return for their capital and labour, and many of whom have settled in the United States, while other members of their families, and the companions of their youth, have taken up their abode on the other side of the frontier. I had no means of ascertaining the exact degree of truth in some statements which I have heard respecting the number of

Irish settled in the state of New York; but it is commonly asserted that there are no less than 40,000 Irish in the militia of that state. The intercourse between these two divisions of what is, in fact, an identical population, is constant and universal. The border townships of Lower Canada are separated f om the United States by an imaginary line; a great part of the frontier of Upper Canada, by rivers, which are crossed in ten minutes; and the rest by lakes, which interpose hardly a six hours' passage between the inhabitants of each side. Every man's daily occupations bring him in contact with his neighbours on the other side of the line; the daily wants of one country are supplied by the produce of the other; and the population of each is in some degree dependent on the state of trade and the demands of the other. Such common wants beget an interest in the politics of each country among the citizens of the other. The newspapers circulate in some places almost equally on the different sides of the line, and men discover that their welfare is frequently as much involved in the political condition of their neighbours as of their own countrymen.

The danger of any serious mischief from this cause appears to me to be less at the present moment than for some time past. The events of the last year, and the circulation of more correct information respecting the real causes of contention, have apparently operated very successfully against the progress or continuance of this species of sympathy; and I have the satisfaction of believing that the policy which was pursued during my administration of the government was very efficient in removing it. The almost complete unanimity of the press of the United States, as well as the assurance of individuals conversant with the state of public opinion in that country, convince me that the measures which I adopted, met with a concurrence that completely turned the tide of feeling in favour of the British Government. Nor can I doubt, from the unvarying evidence that I have received from all persons who have recently travelled through the frontier states of the Union, that there hardly exists at the present moment the slightest feeling which can properly be called sympathy. Whatever aid the insurgents have recently received from citizens of the United States, may either be attributed to those national animosities which are the too sure result of past wars, or to those undisguised projects of conquest and rapine which, since the invasion of Texas, find but too much favour among the daring population of the frontiers. Judging from the character and behaviour of the Americans most prominent in the recent aggressions on Upper Canada, they seem to have been produced mainly by the latter cause; nor does any cause appear to have secured to the insurgents of Lower Canada any very extensive aid, except that in money and munitions of war, of which the source cannot very clearly be traced. Hardly any Americans took part in the recent disturbances in Lower Canada. Last year the outbreak was the signal for numerous public meetings in all the great cities of the frontier states, from Buffalo to New York. At these the most entire sympathy with the insurgents was openly avowed; large subscriptions were raised, and volunteers invited to join. Since the last outbreak no such manifestations have taken place: the meetings which the Nelsons and others have attempted in New York, Philadelphia, Washington, and elsewhere, have ended in complete failure; and at the present moment there does not exist the slighest indication of any sympathy with the objects of the Lower Canadian insurgents, or of any desire to co-operate with them for

political purposes. The danger, however, which may be apprehended from the mere desire to repeat the scenes of Texas in the Canadas, is a danger from which we cannot be secure while the disaffection of any considerable portion of the population continues to give an appearance of weakness to our Government. It is in vain to expect that such attempts can wholly be repressed by the Federal Government, or that they could even be effectually counteracted by the utmost exertion of its authority, if any sudden turn of affairs should again revive a strong and general sympathy with insurrection in Canada. Without dwelling on the necessary weakness of a merely federal government—without adverting to the difficulty which authorities dependent for their very existence on the popular will, find in successfully resisting a general manifestation of public feeling, the impossibility which any Government would find in restraining a population like that which dwells along the thousand miles of this frontier, must be obvious to all, who reflect on the difficulty of maintaining the police of a dispersed community.

Nor is this danger itself unproductive of feelings which are in their turn calculated to produce yet further mischief. The loyal people of Canada, indignant at the constant damage and terror occasioned by incursions from the opposite shore, naturally turn their hostility against the nation and the government which permit, and which they accuse even of conniving at the violation of international law and justice. Mutual recriminations are bandied about from one side to the other; and the very facilities of intercourse which keep alive the sympathy between portions of the two populations, afford at the same time occasions for the collision of angry passions and national antipathies. The violent party papers on each side, and the various bodies, whose pecuniary interests a war would promote, foment the strife. A large portion of each population endeavors to incite its own Government to war, and at the same time labours to produce the same result by irritating the national feelings of the rival community. Rumors are diligently circulated by the Canadian press, and every friendly act of the American people or Government, appears to be systematically subjected to the most unfavorable construction. It is not only to be apprehended that this state of mutual suspicion and dislike may be brought to a head by acts of mutual reprisals, but that the officers of the respective Governments, in despair of preserving peace, may take little care to prevent the actual commencement of war.

Though I do not believe that there ever was a time in which the specific relations of the two countries rendered it less likely, that the United States would imagine that a war with England could promote their own interests, yet it cannot be doubted that the disturbed state of the Canadas is a serious drawback on the prosperity of a great part of the Union. Instead of presenting an additional field for their commercial enterprise, these Provinces, in their present state of disorder, are rather a barrier to their industrial energies. The present state of things also occasions great expense to the Federal Government, which has been under the necessity of largely augmenting its small army, on account chiefly of the troubles of Canada.

Nor must we forget, that whatever assurances and proofs of amicable feeling we may receive from the Government of the United States, however strong may be the ties of mutual pacific interests that bind the two nations together, there are subjects of dispute which may produce less friendly feelings. National interests are now in question between us, of

which the immediate adjustment is demanded by every motive of policy. These interests cannot be supported with the necessary vigour while disaffection in a most important part of our North American possessions appears to give an enemy a certain means of inflicting injury and humiliation on the empire.

But the chances of rebellion or foreign invasion are not those which I regard as either the most probable or the most injurious. The experience of the last two years suggests the occurrence of a much more speedy and disastrous result. I dread, in fact, the completion of the sad work of depopulation and impoverishment which is now rapidly going on. The present evil is not merely, that improvement is stayed, and that the wealth and population of these colonies do not increase according to the rapid scale of American progress. No accession of population takes place by immigration, and no capital is brought into the country. On the contrary, both the people and the capital seem to be quitting these distracted Provinces. From the French portion of Lower Canada there has, for a long time, been a large annual emigration of young men to the northern states of the American Union, in which they are highly valued as labourers, and gain good wages, with their savings from which they generally return to their homes in a few months or years. I do not believe that the usual amount of this emigration has been increased during the last year, except by a few persons prominently compromised in the insurrection, who have sold their property and made up their minds to a perpetual exile; but I think that there is some reason to believe that, among the class of habitual emigrants whom I have described, a great many now take up their permanent residence in the United States. But the stationary habits and local attachment of the French Canadians render it little likely that they will quit their country in great numbers. I am not aware that there is any diminution of the British population from such a cause. The employment of British capital in the Province is not materially checked in the principal branch of trade, and the main evils are the withdrawal of enterprising British capitalists from the French portion of the country, the diminished employment of the capital now in the Province, and the entire stoppage of all increase of the population by means of immigration. But from Upper Canada the withdrawal both of capital and of population has been very considerable. I have received accounts from most respectable sources of a very numerous emigration from the whole of the western and London districts. It was said by persons who professed to have witnessed it, that considerable numbers had for a long time daily passed over from Amherstburgh and Sandwich to Detroit; and a most respectable informant stated that he had seen in one of the districts which I have mentioned no less than 15 vacant farms together on the road side. A body of the reforming party have avowed, in the most open manner, their intention of emigrating from political motives, and publicly invited all who might be influenced by similar feelings to join in their enterprise. For this the Mississippi Emigration Society has been formed, with the purpose of facilitating emigration from Upper Canada to the new territory of the union, called Iowa, on the west bank of the Upper Mississippi. The prospectus of the undertaking, and the report of the deputies who were sent to examine the country in question, were given in the public press, and the advantages of the new colony strongly enforced by the Reformers, and depreciatingly discussed by the friends of the Government. The number of persons who have

thus emigrated is not, however, I have reason to believe, as great as it has often been represented. Many who might be disposed to take such a step cannot sell their farms on fair terms; and though some, relying on the ease with which land is obtained in the United States, have been content to remove merely their stock and their chattels, yet there are others again who cannot at the last make the sacrifices which a forced sale would necessitate, and who continue, even under their present state of alarm, to remain in hopes of better times. In the districts which border on the St. Lawrence little has, in fact, come of the determination to emigrate which was loudly expressed at one time. And some even of those who actually left the country are said to have returned. But the instances which have come to my knowledge induce me to attach even more importance to the class, than to the alleged number of the emigrants; and I can by no means agree with some of the dominant party, that the persons who thus leave the country are disaffected subjects, whose removal is a great advantage to loyal and peaceable men.—In a country like Upper Canada, where the introduction of population and capital is above all things needful for its prosperity, and almost for its continued existence, it would be more prudent, as well as just, more the interest as well as the duty of Government, to remove the causes of disaffection, than to drive out the disaffected. But there is no ground for asserting that all the Reformers who have thus quitted the country are disloyal and turbulent men; nor indeed is it very clear that all of them are Reformers, and that the increasing insecurity of person and property have not, without distinction of politics, driven out some of the most valuable settlers of the Province. A great impression has been lately made by the removal of one of the largest proprietors of the Province, a gentleman who arrived there not many years ago from Trinidad; who has taken no prominent, and certainly no violent part in politics; and who has now transferred himself and his property to the United States, simply because in Upper Canada he can find no secure investment for the latter, and no tranquil enjoyment of life. I heard of another English gentlemen, who, having resided in the country for six or seven years, and invested large sums in bringing over a superior breed of cattle and sheep, was, while I was there, selling off his stock and implements, with a view of settling in Illinois. I was informed of an individual who, 30 years ago, had gone into the forest with his axe on his shoulder, and, with no capital at starting, had, by dint of patient labour, acquired a farm and stock which he had sold for £2,000, with which he went into the United States. This man, I was assured, was only a specimen of a numerous class, to whose unwearied industry the growth and prosperity of the colony are mainly to be ascribed. They are now driven from it, on account of the present insecurity of all who, having in former times been identified in politics with some of those who subsequently appeared as prominent actors in the revolt, are regarded and treated as rebels, though they had held themselves completely aloof from all participation in schemes or acts of rebellion. Considerable alarm also exists as to the general disposition to quit the country, which was said to have been produced by some late measures of the authorities among that mild and industrious, but peculiar race of descendants of the Dutch, who inhabit the back part of the Niagara district.

Such are the lamentable results of the political and social evils which have so long agitated the Canadas; and such is their condition, that at

the present moment we are called on to take immediate precautions against dangers so alarming as those of rebellion, foreign invasion, and utter exhaustion and depopulation. When I look on the various and deep-rooted causes of mischief which the past inquiry has pointed out as existing in every institution, in the constitutions, and in the very composition of society throughout a great part of these Provinces, I almost shrink from the apparent presumption of grappling with these gigantic difficulties. Nor shall I attempt to do so in detail. I rely on the efficacy of reform in the Constitutional system, by which these Colonies are governed, for the removal of every abuse in their administration, which defective institutions have engendered. If a system can be devised which shall lay, in these countries, the foundation of an efficient and popular Government—insure harmony, in place of collision, between the various powers of the State—and bring the influence of a vigorous public opinion to bear on every detail of public affairs, we may rely on sufficient remedies being found for the present vices of the administrative system.

The preceding pages have sufficiently pointed out the nature of those evils, to the extensive operation of which I attribute the various practical grievances, and the present unsatisfactory condition of the North American Colonies. It is not by weakening, but strengthening the influence of the people on its Government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the Imperial authorities in the details of Colonial affairs, that I believe that harmony is to be restored, where dissension has so long prevailed, and a regularity and vigour hitherto unknown introduced into the administration of these Provinces. It needs no change in the principles of Government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British Constitution, and introduce into the Government of these great Colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative Government in the North American Colonies. That has been irrevocably done; and the experiment of depriving the people of their present Constitutional power is not to be thought of. To conduct their Government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way, than by administering the Government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary, I believe that the interests of the people of these Colonies require the protection of prerogatives, which have not hitherto been exercised. But the Crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the Government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.

In England this principle has been so long considered an indisputable and essential part of our Constitution, that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a Ministry ceases to command a majority in Parliament, on great questions of policy, its doom is immediately sealed; and it would

appear to us as strange to attempt, for any time, to carry on a Government by means of Ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them. The ancient Constitutional remedies, by impeachment and a stoppage of the supplies, have never, since the reign of William III. been brought into operation for the purpose of removing a Ministry. They have never been called for: because, in fact, it has been the habit of Ministers rather to anticipate the occurrence of an absolutely hostile vote, and to retire, when supported only by a bare and uncertain majority. If Colonial Legislatures have frequently stopped the Supplies—if they have harrassed public servants by unjust or harsh impeachments—it was because the removal of an unpopular Administration could not be effected in the Colonies by those milder indications of a want of confidence, which have always sufficed to attain the end in the Mother Country.

The means which have occasionally been proposed in the Colonies themselves, appear to me by no means calculated to attain the desired end in the best way. These proposals indicate such a want of reliance on the willingness of the Imperial Government to acquiesce in the adoption of a better system, as, if warranted, would render an harmonious adjustment of the different powers of the State utterly hopeless. An Elective Executive Council would not only be utterly inconsistent with Monarchical Government, but would really, under the nominal authority of the Crown, deprive the community of one of the great advantages of an hereditary Monarchy. Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by intrusting its administration to such men as could command a majority, and if he were given to understand that he need count on no aid from home in any difference with the Assembly, that should not directly involve the relations between the Mother Country and the Colony. This change might be effected by a single Despatch, containing such instructions; or if any legal enactment were requisite, it would only be one that would render it necessary that the official acts of the Governor should be countersigned by some public functionary. This would induce responsibility for every act of the Government, and, as a natural consequence, it would necessitate the substitution of a system of administration, by means of competent Heads of Departments, for the present rude machinery of an Executive Council. The Governor, if he wished to retain advisers not possessing the confidence of the existing Assembly, might rely on the effect of an appeal to the people, and, if unsuccessful, he might be coerced by a refusal of the Supplies, or his advisers might be terrified by the prospect of impeachment. But there can be no reason for apprehending that either party would enter on a contest when each would find its interest in the maintenance of harmony; and the abuse of the powers which each would constitutionally possess would cease, when the struggle for larger powers became unnecessary. Nor can I conceive, that it would be found impossible or difficult, to conduct a Colonial Government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain.

I know that it has been urged, that the principles which are productive of harmony and good government in the mother country, are by no means applicable to a colonial dependency. It is said that it is neces-

sary that the administration of a colony should be carried on by persons nominated without any reference to the wishes of its people; that they have to carry into effect the policy, not of that people, but of the authorities at home; and that a colony which should name all its administrative functionaries would, in fact, cease to be dependent. I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave them to the execution of the laws, of which we have long intrusted the making solely to them. Perfectly aware of the value of our colonial possessions, and strongly impressed with the necessity of maintaining our connection with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. The matters which so concern us are very few. The constitution of the form of Government—the regulation of foreign relations, and of trade with the mother country, the other British colonies, and foreign nations, and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the Imperial Legislature, by the protection which the colony derives from us against foreign enemies, by the beneficial terms which our laws secure to its trade, and by its share of the reciprocal benefits which would be conferred by a wise system of colonization. A perfect subordination on the part of the colony on these points is secured by the advantages which it finds in the continuance of its connexion with the empire. It certainly is not strengthened, but greatly weakened, by a vexatious interference on the part of the home government with the enactment of laws for regulating the internal concerns of the colony, or in the selection of the persons intrusted with their execution. The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but at least, they have a greater interest in coming to a right judgment on these points, and will take greater pains to do so, than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the empire. If the colonists make bad laws, and select improper persons to conduct their affairs, they will generally be the only, always the greatest, sufferers; and, like the people of other countries, they must bear the ills which they bring on themselves, until they choose to apply the remedy. But it surely cannot be the duty or interest of Great Britain to keep a most expensive military possession of these colonies, in order that a Governor or Secretary of State may be able to confer colonial appointments on one rather than another set of persons in the colonies, for this is really the only question at issue. The slightest acquaintance with these colonies proves the fallacy of the common notion, that any considerable amount of patronage in them is distributed among strangers from the mother country. Whatever inconvenience a consequent frequency of changes among the holders of office may produce, is a necessary disadvantage of free government, which will be amply compensated by the perpetual harmony which the system must produce between the people and its rulers. Nor do I fear that the character of the public servants will, in any respect, suffer from a more popular tenure of office. For I can conceive no system so calculated to fill important posts with inefficient persons as the present, in which public

opinion is too little consulted in the original appointment, and in which it is almost impossible to remove those who disappoint the expectations of their usefulness, without inflicting a kind of brand on their capacity or integrity.

I am well aware that many persons, both in the colonies and at home, view the system which I recommend, with considerable alarm, because they distrust the ulterior views of those by whom it was originally proposed, and whom they suspect of urging its adoption with the intent only of enabling them more easily to subvert monarchical institutions, or assert the independence of the colony. I believe, however, that the extent to which these ulterior views exist has been greatly overrated. We must not take every rash expression of disappointment as an indication of a settled aversion to the existing constitution; and my own observation convinces me that the predominant feeling of all the English population of the North American Colonies is that of devoted attachment to the mother country. I believe that neither the interests nor the feelings of the people are incompatible with a colonial government wisely and popularly administered. The proofs, which many who are much dissatisfied with the existing administration of the Government, have given of their loyalty, are not to be denied or overlooked. The attachment constantly exhibited by the people of these Provinces towards the British Crown and Empire, has all the characteristics of a strong national feeling. They value the institutions of their country, not merely from a sense of the practical advantages which they confer, but from sentiments of national pride; and they uphold them the more because they are accustomed to view them as marks of nationality, which distinguish them from their republican neighbours. I do not mean to affirm that this is a feeling which no impolicy on the part of the mother country will be unable to impair; but I do most confidently regard it as one which may, if rightly appreciated, be made the link of an enduring and advantageous connexion. The British people of the North American Colonies are a people on whom we may safely rely, and to whom we must not grudge power. For it is not to the individuals who have been loudest in demanding the change that I propose to concede the responsibility of the colonial administration, but to the people themselves. Nor can I conceive that any people, or any considerable portion of a people, will view with dissatisfaction a change, which would amount simply to this, that the Crown should henceforth consult the wishes of the people in the choice of its servants.

The important alteration in the policy of the colonial government which I recommend, might be wholly or in great part effected for the present by the unaided authority of the Crown; and I believe that the great mass of discontent in Upper Canada, which is not directly connected with personal irritation, arising out of the incidents of the late troubles, might be dispelled by an assurance that the government of the colony should henceforth be carried on in conformity with the views of the majority in the Assembly. But I think that for the well-being of the colonies, and the security of the mother country, it is necessary that such a change should be rendered more permanent than a momentary sense of the existing difficulties can insure its being. I cannot believe that persons in power in this country will be restrained from the injudicious interference with the internal management of these colonies which I deprecate, while they remain the petty and divided communities which they now are.—

The public attention at home is distracted by the various and sometimes contrary complaints of these different contiguous Provinces. Each now urges its demands at different times, and in somewhat different forms, and the interests which each individual complainant represents as in peril are too petty to attract the due attention of the empire. But if these important and extensive colonies should speak with one voice, if it were felt that every error of our colonial policy must cause a common suffering and a common discontent throughout the whole wide extent of British America, those complaints would never be provoked; because no authority would venture to run counter to the wishes of such a community, except on points absolutely involving the few imperial interests which it is necessary to remove from the jurisdiction of colonial legislation.

It is necessary that I should also recommend what appears to me an essential limitation on the present powers of the representative bodies in these colonies. I consider good government not to be attainable while the presented unrestricted powers of voting public money and of managing the local expenditure of the community are lodged in the hands of an Assembly. As long as a revenue is raised which leaves a large surplus after the payment of the necessary expenses of the civil government, and as long as any member of the Assembly may, without restriction, propose a vote of public money, so long will the Assembly retain in its hands the powers which it every where abuses, of misapplying that money. The prerogative of the Crown, which is constantly exercised in Great Britain for the real protection of the people, ought never to have been waved in the colonies; and if the rule of the Imperial Parliament, that no money vote should be proposed without the previous consent of the Crown, were introduced into these colonies, it might be wisely employed in protecting the public interests, now frequently sacrificed in that scramble for local appropriations, which chiefly serves to give an undue influence to particular individuals or parties.

The establishment of a good system of municipal institutions throughout these Provinces, is a matter of vital importance. A general legislature, which manages the private business of every parish, in addition to the common business of the country, wields a power which no single body, however popular in its constitution, ought to have—a power which must be destructive of any constitutional balance. The true principle of limiting popular power is that apportionment of it in many different depositaries, which has been adopted in all the most free and stable states of the Union. Instead of confiding the whole collection and distribution of all the revenues raised in any country for all general and local purposes to a single representative body, the power of local assessment, and the application of the funds arising from it, should be intrusted to local management. It is in vain to expect that this sacrifice of power will be voluntarily made by any representative body. The establishment of municipal institutions for the whole country should be made a part of every colonial constitution, and the prerogative of the Crown should be constantly interposed to check any encroachment on the functions of the local bodies, until the people should become alive, as most assuredly they almost immediately would be, to the necessity of protecting their local privileges.

The establishment of a sound and general system for the management of the lands and the settlement of the colonies, is a necessary part of any good and durable system of government. In a report contained in the appendix to the present, the plan which I recommend for this purpose will be fully developed.

These general principles apply, however, only to those changes in the system of Government, which are required in order to rectify disorders common to all the North American Colonies; but they do not, in any degree, go to remove those evils in the present state state of Lower Canada, which require the most immediate remedy. The fatal feud of origin, which is the cause of the most extensive mischief, would be aggravated at the present moment, by any change which should give the majority more power than they have hitherto possessed. A plan by which it is proposed to insure the tranquil government of Lower Canada, must include, in itself, the means of putting an end to the agitation of national disputes in the Legislature, by settling, at once and for ever, the national character of the Province. I entertain no doubts as to the national character which must be given to Lower Canada: it must be that of the British Empire—that of the majority of the population of British America—that of the great race which must, in the lapse of no long period of time, be predominant over the whole North American Continent. Without effecting the change so rapidly or so roughly as to shock the feelings and trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British Government to establish an English population, with English laws and language, in this Province, and to trust its Government to none but a decidedly English Legislature.

It may be said, that this is a hard measure to a conquered people—that the French were originally the whole, and still are the bulk, of the population of Lower Canada—that the English are new-comers, who have no right to demand the extinction of the nationality of a people among whom commercial enterprise has drawn them. It may be said, that if the French are not so civilized, so energetic, or so money-making a race as that by which they are surrounded, they are an amiable, a virtuous, and a contented people, possessing all the essentials of material comfort, and not to be despised or ill-used, because they seek to enjoy what they have, without emulating the spirit of accumulation which influences their neighbours. Their nationality is, after all, an inheritance—and they must be not too severely punished, because they have dreamed of maintaining, on the distant banks of the St. Lawrence, and transmitting to their posterity, the language, the manners, and the institutions of that great nation, that for two centuries gave the tone of thought to the European Continent. If the disputes of the two races are irreconcilable, it may be urged that justice demands that the minority should be compelled to acquiesce in the supremacy of the ancient and most numerous occupants of the Province, and not pretend to force their own institutions and customs on the majority.

But, before deciding which of the two races is now to be placed in the ascendant, it is but prudent to inquire which of them must ultimately prevail; for it is not wise to establish to-day that which must, after a hard struggle, be reversed to-morrow. The pretensions of the French Canadians to the exclusive possession of Lower Canada, would debar the yet larger English population of Upper Canada, and the Townships, from access to the great natural channel of that trade which they alone have created, and now carry on. The possession of the mouth of the Saint Lawrence concerns not only those who happen to have made their settlements along the narrow line which borders it, but all who now dwell, or will hereafter dwell, in the great basin of that River. For we must not

look to the present alone. The question is, by what race is it likely that the wilderness which now covers the rich and ample regions surrounding the comparatively small and contracted Districts in which the French Canadians are located, is eventually to be converted into a settled and flourishing country? If this is to be done in the British Dominions, as in the rest of North America, by some speedier process than the ordinary growth of population, it must be by immigration from the English Isles, or from the United States—the countries which supply the only settlers that have entered, or will enter the Canadas in any large numbers.—This immigration can neither be debarred from a passage through Lower Canada, nor even be prevented from settling in that Province. The whole interior of the British dominions must, ere long, be filled with an English population, every year rapidly increasing its numerical superiority over the French. Is it just that the prosperity of this great majority, and of this vast tract of country, should be for ever, or even for a while, impeded by the artificial bar which the backward laws and civilization of a part, and a part only, of Lower Canada, would place between them and the ocean? Is it to be supposed that such an English population will ever submit to such a sacrifice of its interests?

I must not, however, assume it to be possible, that the English Government shall adopt the course of placing or allowing any check to the influx of English immigration into Lower Canada, or any impediment to the profitable employment of that English capital which is already vested therein. The English have already in their hands the majority of the larger masses of property in the country; they have the decided superiority of intelligence on their side; they have the certainty that colonization must swell their numbers to a majority; and they belong to a race which wields the Imperial Government, and predominates on the American Continent. If we now leave them in a minority, they will never abandon the assurance of being a majority hereafter, and never cease to continue the present contest with all the fierceness with which it now rages. In such a contest they will rely on the sympathy of their countrymen at home; and if that is denied them, they feel very confident of being able to awaken the sympathy of their neighbours of kindred origin. They feel that if the British Government intends to maintain its hold of the Canadas, it can rely on the English population alone; that, if it abandons its Colonial Possessions, they must become a portion of that great Union which will speedily send forth its swarms of settlers, and by force of numbers and activity, quickly master every other race. The French Canadians, on the other hand, are but the remains of an ancient colonization, and are, and ever must be, isolated in the midst of an Anglo-Saxon world. Whatever may happen, whatever Government shall be established over them, British or American, they can see no hope for their nationality. They can only sever themselves from the British Empire, by waiting till some general cause of dissatisfaction alienates them, together with the surrounding Colonies, and leaves them part of an English confederacy; or, if they are able, by effecting a separation singly, and so either merging in the American Union, or keeping up for a few years a wretched semblence of feeble independence, which would expose them more than ever to the intrusion of the surrounding population. I am far from wishing to encourage indiscriminately these pretensions to superiority on the part of any particular race; but while the greater part of every portion of the American Continent is still uncleared and unoccupied, and while the English exhibit such constant and marked activity in colonization, so long will it be idle to imagine that there is any portion of that Continent into which that race will not penetrate, or in which, when it has penetrated, it will not predominate. It is but a question of time and mode—it is but to determine whether the small number of French, who now inhabit Lower Canada, shall be made English under a Government which can protect them, or whether the process shall be delayed, until a much larger number shall have to undergo, at the rude hands of its uncontrolled rivals, the extinction of a nationality strengthened and embittered by continuance.

And is this French Canadian nationality one which, for the good merely of that people, we ought to strive to perpetuate, even if it were possible? I know of no national distinctions marking and continuing a more hopeless inferiority. The language, the laws, the character of the North American Continent are English; and every race but the English (I apply this to all who speak the English language) appears there in a condition of inferiority. It is to elevate them from that inferiority that I desire to give to the Canadians our English character. I desire it for the sake of the educated classes, whom the distinction of language and manners keeps apart from the great Empire to which they belong. At the best, the fate of the educated and aspiring Colonist is, at present, one of little hope, and little activity; but the French Canadian is cast still further into the shade by a language and habits foreign to those of the Imperial Government. A spirit of exclusion has closed the higher professions on the educated classes of the French Canadians, more perhaps than was absolutely necessary; but it is impossible for the utmost liberality on the part of the British Government, to give an equal position in the general competition of its vast population to those who speak a foreign language. I desire the amalgamation still more for the sake of the humbler classes. Their present state of rude and equal plenty is fast deteriorating under the pressure of population in the narrow limits to which they are confined. If they attempt to better their condition, by extending themselves over the neighbouring country, they will necessarily get more and more mingled with an English population; if they prefer remaining stationary, the greater part of them must be labourers, in the employ of English capitalists. In either case it would appear, that the great mass of the French Canadians are doomed, in some measure, to occupy an inferior position, and to be dependent on the English for employment. The evils of poverty and dependence would merely be aggravated in a ten-fold degree, by a spirit of jealous and resentful nationality, which should separate the working class of the community, from the possessors of wealth and employers of labour.

I will not here enter into the question of the effect of the mode of life and division of property among the French Canadians on the happiness of the people.—I will admit, for the moment, that it is as productive of well-being as its admirers assert. But, be it good or bad, the period in which it is practicable is past; for there is not enough unoccupied land left in that portion of the country in which English are not already settled, to admit of the present French population possessing farms sufficient to supply them with their present means of comfort, under their system of husbandry. No population has increased by mere births so rapidly as that of the French Canadians has since the conquest. At that period their number was estimated at 60,000; it is now supposed to amount to more than seven times as many. There has been no proportional increase of cultivation, or of produce from the land already under cultivation; and the increased population has been in a great measure provided for by the mere continued subdivision of estates. In a report from a committee in the Assembly in 1826, of which Mr. Andrew Stuart was chairman, it is stated, that since 1784 the population of the seignories had quadrupled, while the number of cattle had only doubled, and the quantity of land in cultivation had only increased one-third. Complaints of distress are constant, and the deterioration of the condition of a great part of the population admitted on all hands. A people so circumstanced must alter their mode of life. If they wish to maintain the same kind of rude, but well-provided agricultural existence, it must be by removing into those parts of the country in which the English are settled; or if they cling to their present residence, they can only obtain a livelihood by deserting their present employment, and working for wages on farms, or in commercial occupations under English capitalists. But their present proprietary and inactive condition is one which no political arrangements can perpetuate. Were the French Canadians to be guarded against the influx of any other population, their condition in a few years would be similar to that of the poorest of the Irish peasantry.

There can hardly be conceived a nationality more destitute of all that can invigorate and elevate a people, than that which is exhibited by the descendants

of the French in Lower Canada, owing to their retaining their peculiar language and manners. They are a people with no history, and no literature. The literature of England is written in a language which is not theirs, and the only literature which their language renders familiar to them, is that of a nation from which they have been separated by 80 years of a foreign rule, and still more by those changes which the revolution and its consequences have wrought in the whole political, moral, and social state of France. Yet it is on a people whom recent history, manners, and modes of thought, so entirely separate from them, that the French Canadians are wholly dependent for almost all the instruction and amusement derived from books; it is on this essentially foreign literature, which is conversant about events, opinions, and habits of life, perfectly strange and unintelligible to them, that they are compelled to be dependent. Their newspapers are mostly written by natives of France, who have either come to try their fortunes in the Province, or been brought into it by the party leaders, in order to supply the dearth of literary talent available for the political press. In the same way their nationality operates to deprive them of the enjoyments and civilizing influence of the arts. Though descended from the people in the world that most generally love, and have most successfully cultivated, the drama; though living on a continent in which almost every town, great or small, has an English theatre, the French population of Lower Canada, cut off from every people that speaks its own language, can support no national stage.

In these circumstances I should be indeed surprised, if the more reflecting part of the French Canadians entertained at present any hope of continuing to preserve their nationality. Much as they struggle against it, it is obvious that the process of assimilation to English habits is already commencing. The English language is gaining ground, as the language of the rich and of the employers of labour naturally will. It appeared by some of the few returns which had been received by the commissioner of inquiry into the state of education, that there are about ten times the number of French children in Quebec learning English, as compared with the English children who learn French. A considerable time must, of course elapse, before the change of a language can spread over a whole people; and justice and policy alike require that while the people continue to use the French language their Government should take no such means to force the English language upon them as would, in fact, deprive the great mass of the community of the protection of the laws. But I repeat, that the alteration of the character of the Province ought to be immediately entered on, and firmly, though cautiously, followed up; that in any plan which may be adopted for the future management of Lower Canada, the first object ought to be that of making it an English Province; and that, with this end in view, the ascendancy should never again be placed in any hands but those of an English population. Indeed, at the present moment this is obviously necessary; in the state of mind in which I have described the French Canadian population, as not only now being, but as likely for a long while to remain, the trusting them with an entire control over this Province would be, in fact, only facilitating a rebellion. Lower Canada must be governed now, as it must be hereafter, by an English population; and thus the policy which the necessities of the moment force on us is in accordance with that suggested by a comprehensive view of the future and permanent improvement of the Province.

The greater part of the plans which have been proposed for the future government of Lower Canada suggest, either as a lasting or as a temporary and intermediate scheme, that the government of that province should be constituted on an entirely despotic footing, or on one that would vest it entirely in the hands of the British minority. It is proposed either to place the Legislative authority in a Governor, with a council formed of the heads of the British party, or to contrive some scheme of representation, by which a minority, with the forms of representation, is to deprive a majority of all voice in the management of its own affairs.

The maintenance of an absolute form of government on any part of the North American continent can never continue for any long time, without exciting a ge-

neral feeling in the United States against a power of which the existence is secured by means so odious to the people; and as I rate the preservation of the present general sympathy of the United States with the policy of our Government in Lower Canada as a matter of the greatest importance, I should be sorry that the feeling should be changed for one which, if prevalent among that people, must extend over the surrounding provinces. The influence of such an opinion would not only act very strongly on the entire French population, and keep up among them a sense of injury and a determination of resistance to the Government, but would lead to just as great discontent among the English. In their present angry state of feeling, they might tolerate, for a while, any arrangement that would give them a triumph over the French; but I have greatly misunderstood their character if they would long bear a government in which they had no direct voice. Nor would their jealousy be obviated by the selection of a council from the persons supposed to have their confidence. It is not easy to know who really possess that confidence: and I suspect that there would be no surer way of depriving a man of influence over them, than by treating him as their representative, without their consent.

The experience which we have had of a government irresponsible to the people in these colonies, does not justify us in believing that it would be very well administered; and the great reforms in the institutions of the province which must be made, ere Lower Canada, can ever be a well-ordered and flourishing community, can be effected by no Legislature which does not represent a great mass of public opinion.

But the great objection to any Government of an absolute kind is, that it is palpably of a temporary nature; that there is no reason to believe that its influence, during the few years that it would be permitted to last, would leave the people at all more fit to manage themselves; that, on the contrary, being a mere temporary institution, it would be deficient in that stability which is the greatest requisite of government in times of disorder There is every reason to believe that a professedly irresponsible government would be the weakest that could be devised. Every one of its acts would be discussed, not in the colony, but in England, on utterly incomplete and incorrect information, and run the chance of being disallowed without being understood. The most violent outcry that could be raised by persons looking at them through the medium of English and constitutional notions, or by those who might hope thereby to promote the sinister purposes of faction at home, would be constantly directed against them. Such consequences as these are inevitable. The people of England are not accustomed to rely on the honest and discreet exercise of absolute power; and if they permit a despotism to be established in their colonies, they feel bound, when their attention happens to be directed towards them, to watch its acts with vigilance. The governor and council would feel this responsibility in all their acts; unless they happened to be men of much more than ordinary nerve and earnestness, they would shape their policy so as merely to avoid giving a handle to attacks; and their measures would exhibit all that uncertainty and weakness which such a motive is sure to produce.

With respect to every one of those plans which propose to make the English minority an electoral majority by means of new and strange modes of voting or unfair divisions of the country, I shall only say that if the Canadians are to be deprived of a representative government, it would be better to do it in a straightforward way than to attempt to establish a permanent system of government, on the basis of what all mankind would regard as mere electoral frauds. It is not in North America that men can be cheated by an unreal semblance of representative government, or persuaded that they are outvoted, when, in fact, they are disfranchised.

The only power that can be effectual at once in coercing the present disaffection, and hereafter obliterating the nationality of the French Canadians, is that of a numerical majority of a loyal and English population; and the only stable government will be one more popular than any that has hitherto existed in the North American Colonies. The influence of perfectly equal and popular insti-

tutions in effacing distinctions of race without disorder or oppression, and with little more than the ordinary animosities of party in a free country, is memorably exemplified in the history of the state of Louisiana, the laws and population of which were French at the time of its cession to the American Union. And the eminent success of the policy adopted with regard to that state, points out to us the means by which a simllar result can be effected in Lower Canada.

The English of Lower Canada, who seem to infer the means from the result, entertain and circulate the most extraordinary conceptions of the course really pursued in this instance. On the single fact that in the constitution of Louisiana it is specified, that the public acts of the state shall be "in the language in which the constitution of the United States is written," it has been inferred that the federal government, in the most violent manner, swept away the use of the French language and laws, and subjected the French population to some peculiar disabilities, which deprived them, in fact, of an equal voice in the government of their state. Nothing can be more contrary to the fact. Louisiana, on its first cession, was governed as a "district"; its public officers were appointed by the federal government, and, as was natural under the circumstances of the case, they were natives of the old states of the union In 1812 the district, having the requisite population, was admitted into the union as a state, and admitted on precisely the same terms that any other population have, or has been. The constitution was framed so as to give precisely the same power to the majority as is enjoyed in the other states of the union. No alteration was then made in the laws. The proof of this is afforded by a fact familiar to every person moderately acquainted with the jurisprudence of the age. The code, which is the glory of Louisiana, and Mr. Livingstone, was subequently undertaken under the auspices of the Legislature, in consequence of the confusion daily arising in the administration of the English and French system of law in the same courts. This change of laws, effected in the manner most consonant to the largest views of legislation, was not forced on the Legislature and people of the state by an external authority, but was the suggestion of their own political wisdom. Louisiana is not the only state in the union which has been troubled by the existence of conflicting systems of law. The state of New York, till within a few years, suffered under the same evil, which it remedied in the same way, by employing a commission of its ablest lawyers to digest both systems of law into a common code. The contending populations of Lower Canada may well imitate these examples: and if, instead of endeavouring to force their respective laws upon each other, they would attempt an amalgamation of the two systems into one, adopting what is really best in both, the result would be creditable to the Province.

Every provision was made in Louisiana for securing to both races a perfectly equal participation in all the benefits of the Government. It is true that the intention of the federal Government to encourage the use of the English language, was evinced by the provision of the constitution with respect to the language of the records; but those who will reflect how very few people ever read such documents, and how very recently it is that the English language has become the language of the law in this country, will see that such a provision could have little practical effect. In all cases in which convenience requires it, the different parties use their respective languages in the courts of justice, and in both branches of the Legislature In every judicial proceeding, all documents which pass between the parties are required to be in both languages, and the laws are published in both languages. Indeed, the equality of the two languages is preserved in the Legislature by a very singular contrivance; the French and English members speak their respective languages, and an interpreter, as I was informed, after every speech, explains its purport in the other language.

For a long time the distinction between the two races was the cause of great jealousy. The Americans crowded into the state in order to avail themselves of its great natural resources, and its unequalled commercial advantages; there, as everywhere else on that continent, their energy and habits of business gradually drew the greater part of the commercial business of the country into their hands;

and though, I believe, a few of the richest merchants, and most of the owners of plantations, are French, the English form the bulk of the wealthier classes.—Year after year their numbers have become greater, and it is now generally supposed that they constitute the numerical majority. It may be imagined that the French have borne this with a good deal of dissatisfaction; but as the advantages gained by the English were entirely the result, not of favour, but of their superiority in a perfectly free competition, this jealousy could excite no murmurs against the Government. The competition made the two races enemies at first, but it has gradually stirred the emulation of the less active race, and made them rivals. The jealousies in the city of New Orleans were so great at one time, that the Legislature of the state, at the desire of the English, who complained of the inertness of the French, formed separate municipalities for the French and English parts of the city. These two municipalities are now actuated by a spirit of rivalry, and each undertakes great public works for the ornament and convenience of their respective quarters.

The distinction still lasts, and still causes a good deal of division; the society of each race is said to be in some measure distinct, but not by any means hostile—and some accounts represent the social mixture to be very great. All accounts represent the division of the races as becoming gradually less and less marked; their newspapers are printed in the two languages, on opposite pages; their local politics are entirely merged in those of the Union; and instead of discovering in their papers any vestiges of a quarrel of races, they are found to contain a repetition of the same party recriminations, and party arguments, which abound in all other parts of the federation.

The explanation of this amalgamation is obvious. The French of Louisiana, when they were formed into a State, in which they were a majority, were incorporated into a great nation, of which they constituted an extremely small part.—The eye of every ambitious man turned naturally to the great centre of federal affairs, and the high prizes of federal ambition. The tone of politics was taken from those by whose hands its highest powers were wielded; the Legislation and Government of Louisiana were from the first insignificant, compared with the interests involved in the discussions at Washington. It became the object of every aspiring man to merge his French, and adopt completely an American nationality. What was the interest of individuals, was also the interest of the State. It was its policy to be represented by those who would acquire weight in the councils of the federation. To speak only a language foreign to that of the United States was, consequently, a disqualification for a candidate for the posts of either Senator or Representative; the French qualified themselves by learning English, or submitted to the superior advantages of their English competitors.—The representation of Louisiana, in Congress, is now entirely English, while each of the federal parties in the State conciliates the French feeling, by putting up a candidate of that race. But the result is, that the Union is never disturbed by the quarrels of these races; and the French language and manners bid fair, in no long time, to follow their laws, and pass away like the Dutch peculiarities of New York.

It is only by the same means—by a popular Government, in which an English majority shall permanently predominate, that Lower Canada, if a remedy for its disorders be not too long delayed, can be tranquilly ruled.

On these grounds, I believe that no permanent or efficient remedy can be devised for the disorders of Lower Canada, except a fusion of the Government in that of one or more of the surrounding Provinces; and as I am of opinion, that the full establishment of responsible Government can only be permanently secured by giving these Colonies an increased importance in the politics of the Empire, I find in union the only means of remedying at once, and completely, the two prominent causes of their present unsatisfactory condition.

Two kinds of union have been proposed—federal and legislative. By the first, the separate legislature of each Province would be preserved in its present form, and retain almost all its present attributes of internal legislation—the federal legislature exercising no power, save in those matters of general concern which

may have been expressly ceded to it by the constituent Provinces. A legislative union would imply a complete incorporation of the Provinces included in it under one legislature, exercising universal and sole legislative authority over all of them, in exactly the same manner as the Parliament legislates alone for the whole of the British Isles.

On my first arrival in Canada, I was strongly inclined to the project of a federal union: and it was with such a plan in view, that I discussed a general measure for the Government from the Colonies with the deputations of the Lower Provinces, and with various leading individuals and public bodies in both the Canadas. I was fully aware, that it might be objected that a federal union would, in many cases, produce a weak and rather cumbrous Government; that a Colonial federation must have, in fact, little legitimate authority or business, the greater part of the ordinary functions of a federation falling within the scope of the Imperial Legislature and Executive; and that the main inducement to federation, which is the necessity of conciliating the pretensions of independent states to the maintenance of their own sovereignty, could not exist in the case of Colonial dependencies, liable to be moulded according to the pleasure of the supreme authority at home. In the course of the discussions which I have mentioned, I became aware also of great practical difficulties in any plan of federal Government, particularly those that must arise in the management of the general revenues, which would, in such a plan, have to be again distributed among the Provinces. But I had still more strongly impressed on me the great advantages of a united Government; and I was gratified by finding the leading minds of the various Colonies strongly and generally inclined to a scheme, that would elevate their countries into something like a national existence I thought that it would be the tendency of a federation, sanctioned and consolidated by a Monarchical Government, gradually to become a complete legislative union; and that thus, while conciliating the French of Lower Canada, by leaving them the Government of their own Province, and their own internal legislation, I might provide for the protection of British interests by the general Government, and for the gradual transition of the Provinces into an united and homogeneous community.

But the period of gradual transition is past in Lower Canada. In the present state of feeling among the French population, I cannot doubt that any power which they might possess would be used against the policy and the very existence of any form of British Government. I cannot doubt that any French Assembly that shall again meet in Lower Canada, will use whatever power, be it more or less limited it may have, to obstruct the Government, and undo whatever has been done by it. Time, and the honest co operation of the various parties, would be required to aid the action of a federal Constitution; and time is not allowed, in the present state of Lower Canada, nor co-operation to be expected from a legislature of which the majority shall represent its French inhabitants. I believe that tranquillity can only be restored, by subjecting the Province to the vigorous rule of an English majority; and that the only efficacious Government would be that formed by a legislative union.

If the population of Upper Canada is rightly estimated at 400,000, the English inhabitants of Lower Canada at 150,000 and the French at 450,000, the union of the two provinces would not only give a clear English majority, but one which would be increased every year by the influence of English emigration; and I have little doubt that the French, when once placed, by the legitimate course of events and the working of natural causes, in a minority, would abandon their vain hopes of nationality. I do not mean that they would immediately give up their present animosities, or instantly renounce the hope of attaining their end by violent means. But the experience of the two Unions in the British Isles may teach us how effectually the strong arm of a popular legislature would compel the obedience of the refractory population; and the hopelessness of success would gradually subdue the existing animosities, and incline the French Canadian population to acquiesce in their new state of political existence. I certainly should not like to subject the French Canadians to the rule of the identical English minority with which they have so long been contending; but from a majori-

ty emanating from so much more extended a source, I do not think, they would have any oppression or injustice to fear; and in this case the far greater part of the majority never having been brought into previous collision, would regard them with no animosity that could warp their natural sense of equity. The endowments of the Catholic Church in Lower Canada, and the existence of all its present laws, until altered by the united Legislature, might be secured by stipulations similar to those adopted in the union between England and Scotland. I do not think that the subsequent history of British Legislation need incline us to believe, that the nation which has a majority in a popular legislature is likely to use its power to tamper very hastily with the laws of the people to which it is united.

The union of the two provinces would secure to Upper Canada the present great objects of its desire. All disputes as to the division or amount of the revenue would cease. The surplus revenue of Lower Canada would supply the deficiency of that part of the Upper Province: and the Province thus placed beyond the possibility of locally jobbing the surplus revenue, which it cannot reduce, would, I think, gain as much by the arrangement as the Province, which would thus find a means of paying the interest of its debt. Indeed, it would be by no means unjust to place this burden on Lower Canada, inasmuch as the great public works for which the debt was contracted are as much the concern of one province as of the other. Nor is it to be supposed that, whatever may have been the mismanagement in which a great part of the debt originated, the canals of Upper Canada will always be a source of loss instead of profit. The completion of the projected and necessary line of public works would be promoted by such an union. The access to the sea would be secured to Upper Canada. The saving of public money, which would be insured by the Union of various establishments in the two Provinces, would supply the means of conducting the general government on a more efficient scale than it has yet been carried on; and the responsibility of the Executive would be secured by the inreased weight which the representative body of the united province would bring to bear on the Imperial Government and Legislature.

But while I convince myself that such desirable ends would be secured by the Legislative Union of the two Provinces, I am inclined to go further, and inquire whether all these objects would not more surely be attained by extending this legislative union over all the British provinces in North America; and whether the advantages which I anticipate for two of them, might not, and should not in justice, be extended over all. Such an union would at once decisively settle the question of races; it would enable all the Provinces to co-operate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent. I do not anticipate that a colonial legislature thus strong and thus self-governing would desire to abandon the connexion with Great Britain. On the contrary, I believe that the practical relief fromu ndue interference which would be the result of such a change, would strengthen the present bond of feelings and interests; and that the connexion would only beeome more durable and advantageous, by having more of equality, of freedom, and of local independence. But, at any rate, our first duty is to secure the well-being of our colonial countrymen; and if in the hidden decrees of that wisdom by which this world is ruled, it is written, that these countries are for ever to remain portions of the empire, we owe it to our honour to take good care that when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself.

I am, in truth, so far from believing that the increased power and weight that would be given to these colonies by union would endanger their connexion with the empire, that I look to it as the only means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist towards separation. No large community of free and intelligent

men will long feel contented with a political system which places them, because it places their country, in a position of inferiority to their neighbours. The colonist of Great Britain is linked, it is true, to a mighty empire, and the glories of its history, the visible signs of its present power, and the civilization of its people, are calculated to raise and gratify his national pride. But he feels, also, that his link to that empire is one of remote dependence; he catches but passing and inadequate glimpses of its power and prosperity; he knows that in its Government he and his own countrymen have no voice. While his neighbour on the other side of the frontier assumes importance, from the notion that his vote exercises some influence on the councils, and that he himself has some share in the onward progress of a mighty nation, the colonist feels the deadening influence of the narrow and subordinate community to which he belongs. In his own, and in the surrounding colonies, he finds petty objects occupying petty, stationary, and divided societies; and it is only when the chances of an uncertain and tardy communication bring intelligence of what has passed a month before on the other side of the Atlantic, that he is reminded of the empire with which he is connected. But the influence of the United States surrounds him on every side, and is forever present It extends itself as population augments and intercourse increases; it penetrates every portion of the continent into which the restless spirit of American speculation impels the settler or the trader; it is felt in all the transactions of commerce, from the important operations of the monetary system down to the minor details of ordinary traffic; it stamps on all the habits and opinions of the surrounding countries the common characteristics of the thoughts, feelings and customs of the American people. Such is necessarily the influence which a great nation exercises on the small communities which surround it. Its thoughts and manners subjugate them, even when nominally independent of its authority. If we wish to prevent the extension of this influence, it can only be done by raising up for the North American Colonist some nationality of his own, by elevating these small and unimportant communities into a society having some objects of a national importance, and by thus giving their inhabitants a country, which they will be unwilling to see absorbed even into one more powerful.

While I believe that the establishment of a comprehensive system of Government, and of an effectual union between the different Provinces, would produce this important effect on the general feelings of their inhabitants, I am inclined to attach very great importance to the influence which it would have in giving greater scope and satisfaction to the legitimate ambition of the most active and prominent persons to be found in them. As long as personal ambition is inherent in human nature, and as long as the morality of every free and civilized community encourages its aspirations, it is one great business of a wise government to provide for its legitimate development. If, as it is commonly asserted, the disorders of these colonies have, in great measure, been fomented by the influence of designing and ambitious individuals, this evil will best be remedied by allowing such a scope for the desires of such men as shall direct their ambition into the legitimate chance of furthering, and not of thwarting, their Government. By creating high prizes in a general and responsible Government, we shall immediately afford the means of pacifying the turbulent ambitions, and of employing in worthy and noble occupations, the talents which now are only exerted to foment disorder. We must remove from these colonies the cause to which the sagacity of Adam Smith traced the alienation of the Provinces which now form the United States: we must provide some scope for what he calls 'the importance of the leading men of the colony,' beyond what he forcibly terms the present 'petty prizes of the paltry raffle of colonial faction.' A general legislative union would elevate and gratify the hopes of able and aspiring men. They would no longer look with envy and wonder at the great arena of the bordering federation, but see the means of satisfying every legitimate ambition in the high offices of the judicature and executive government of their own union

Nor would an union of the various provinces be less advantageous in facilitating a co-operation for various common purposes, of which the want is now very

seriously felt. There is hardly a department of the business of government which does not require, or would not be better performed, by being carried on under the superintendence of a general government; and when we consider the political and commercial interests that are common to these provinces, it appears difficult to account for their having ever been divided into separate governments, since they have all been portions of the same empire, subject to the same Crown, governed by the same laws and constitutional customs, inhabited, with one exception, by the same race, contiguous and immediately adjacent to each other, and bounded along their whole frontier by the territories of the same powerful and rival state. It would appear that every motive that has induced the union of various provinces into a single state, exists for the consolidation of these colonies under a common legislature and executive. They have the same common relation to the mother country; the same relation to foreign nations. When one is at war, the others are at war; and the hostilities that are caused by an attack on one, must seriously compromise the welfare of the rest. Thus the disputes between Great Britain and the state of Maine appears immediately to involve the interests of none of these colonies, except New Brunswick or Lower Canada, to one of which the territory claimed by us must belong. But if a war were to commence on this ground, it is most probable that the American government would select Upper Canada as the most vulnerable, or, at any rate, as the easiest point of attack. A dispute respecting the fisheries of Nova Scotia, would involve precisely the same consequences. An union for common defence against foreign enemies is the natural bond of connexion that holds together the great communities of the world; and between no parts of any kingom or state is the necessity for such an union more obvious, than between the whole of these colonies.

Their internal r lations furnish quite as strong motives for union. The Post-office is at the present moment under the management of the same imperial establishment. If, in compliance with the rea onable demands of the colonies, the regulation of a matter so entirely of internal concern, and the revenue derived from it, were placed under the control of the provincial legislatures, it would still be advisable that the management of the Post-office throughout the whole of British North America should be conducted by one general establishment. In the same way, so great is the influence on the other provinces of the arrangements adopted with respect to the disposal of public lands and colonization in any one, that it is absolutely essential that this department of government should be conducted on one system, and by one authority. The necessity of common fiscal regulations is strongly felt by all the colonies; and a common custom-house establishment would relieve them from the hindrances to their trade caused by the duties now levied on all commercial intercourse between them. The monetary and banking system of all is subject to the same influences, and ought to be regulated by the same laws. The establishment of a common colonial currency is very generally desired. Indeed, I know of no department of Government that would not greatly gain, both in economy and efficiency, by being placed under a common management. I should not propose, at first, to alter the existing public establishments of the different Provinces, because the necessary changes had better be left to be made by the united Government; and the judicial establishments should certainly not be disturbed until the future legislature shall provide for their re-construction on an uniform and permanent footing. But even in the administration of justice, an union would immediately supply a remedy for one of the most serious wants under which all the provinces labour, by facilitating the formation of a general appellate tribunal for all the North American Colonies.

But the interests which are already in common between all these Provinces are small in comparison with those which the consequences of such an union might, and I think I may say assuredly would, call into existence; and the great discoveries of modern art, which have throughout the world, and nowhere more than in America, entirely altered the character and the channels of communication between distant countries, will bring all the North American Colonies into constant and speedy intercourse with each other. The success of the great experiment of steam navigation across the Atlantic, opens a prospect of a speedy communica-

tion with Europe, which will materially affect the future state of all these Provinces. In a despatch which arrived in Canada after my departure, the Secretary of State informed me of the determination of Your Majesty's Government to establish a steam communication between Great Britain and Halifax, and instructed me to turn my attention to the formation of a road between that port and Quebec. It would, indeed, have given me sincere satisfaction, had I remained in the Province, to promote, by any means in my power, so highly desirable an object; and the removal of the usual restrictions on my authority as Governor-General having given me the means of effectually acting in concert with the various provincial Governments, I might have been able to make some progress in the work. But I cannot point out more strikingly the evils of the present want of a general government for these Provinces, than by adverting to the difficulty which would practically occur, under the previous and present arrangements of both executive and legislative authorities in the various provinces, in attempting to carry such a plan into effect. For the various colonies have no more means of concerting such common works with each other, than with the neighbouring states of the Union. They stand to one another in the position of foreign states, and of foreign states without diplomatic relations. The governors may correspond with each other: the legislatures may enact laws, carrying the common purposes into effect in their respective jurisdictions; but there is no means by which the various details may speedily and satisfactorily be settled with the concurrence of the different parties. And, in this instance, it must be recollected that the communication and the final settlement would have to be made between, not two, but several of the Provinces. The road would run through three of them; and Upper Canada, into which it would not enter, would in fact, be more interested in the completion of such a work than any even of the Provinces through which it would pass. The colonies indeed, have no common centre in which the arrangement could be made, except in the Colonial-office at home; and the details of such a plan would have to be discussed, just where the interests of all parties would have the least means of being fairly and fully represented, and where the minute local knowledge necessary for such a matter would be least likely to be found.

The completion of any satisfactory communication between Halifax and Quebec would, in fact, produce relations between these Provinces that would render a general union absolutely necessary. Several surveys have proved that a railroad would be perfectly practicable the whole way. Indeed, in North America the expense and difficulty of making a railroad bears by no means the excessive proportion to those of a common road that it does in Europe. It appears to be a general opinion in the United States, that the severe snows and frosts of that continent very slightly impede, and do not prevent, the travelling on railroads; and, if I am rightly informed, the Utica railroad, in the northern part of the state of New York, is used throughout the winter. If this opinion be correct, the formation of a railroad from Halifax to Quebec would entirely alter some of the distinguishing characteristics of the Canadas. Instead of being shut out from all direct intercourse with England during half the year, they would possess a far more certain and speedy communication throughout the winter than they now possess in summer. The passage from Ireland to Quebec would be a matter of 10 or 12 days, and Halifax would be the great port by which a large portion of the trade, and all the conveyance of passengers to the whole of British North America, would be carried on. But, even supposing these brilliant prospects to be such as we could not reckon on seeing realized, I may assume that it is not intended to make this road without a well-founded belief that it will become an important channel of communication between the Upper and Lower Provinces. In either case, would not the maintenance of such a road, and the mode in which the government is administered in the different Provinces, be matters of common interest to all? If the great natural channel of the St. Lawrence gives all the people who dwell in any part of its basin such an interest in the government of the whole as renders it wise to incorporate the two Canadas, the artificial work which would, in fact, supersede the lower part of the St. Lawrence, as the outlet

of a great part of the Canadian trade, and would make Halifax, in a great measure an outport, to Quebec, would surely in the same way render it advisable that the incorporation should be extended to provinces through which such a road would pass.

With respect to the two smaller colonies of Prince Edward's Island and Newfoundland, I am of opinion, that not only would most of the reasons which I have given for an union of the others apply to them, but that their smallness makes it absolutely necessary, as the only means of securing any proper attention to their interests, and investing them with that consideration, the deficiency of which they have so much reason to lament, in all the disputes which yearly occur between them and the citizens of the United States, with regard to the encroachments made by the latter on their coasts and fisheries.

The views on which I found my support of a comprehensive union have long been entertained by many persons in these colonies whose opinion is entitled to the highest consideration. I cannot, however, refrain from mentioning the sanction of such views by one whose authority your Majesty will, I may venture to say, receive with the utmost respect. Mr. Sewell, the late Chief Justice of Quebec, laid before me an autograph letter addressed to himself by your Majesty's illustrious and lamented father, in which his Royal Highness was pleased to express his approbation of a similar plan then proposed by that gentleman. No one better understoood the interests and character of these colonies than his Royal Highness; and it is with peculiar satisfaction, therefore, that I submit to your Majesty's perusal the important document which contains his Royal Highness's opinion in favour of such a scheme:—

"Kensington Palace, Nov. 30, 1814.

"My dear Sewell,—I have this day had the pleasure of receiving your note of yesterday, with its interesting enclosure; nothing can be better arranged than the whole thing is, or more perfectly I cannot wish; and when I see an opening, it is fully my intention to hint the matter to Lord Bathurst, and put the paper into his hands, without, however, telling him from whom I have it, though I shall urge him to have some conversation with you relative to it. Permit me, however, just to ask you whether it was not an oversight in you to state that there are five Houses of Assembly in the British Colonies in North America? for if I am not under an error, there are six, viz. Upper and Lower Canada, Nova Scotia, and New Brunswick, the islands of Prince Edward and Cape Breton. Allow me also to beg of you to put down the proportions in which you think the 30 members of the representative assembly ought to be furnished by each province; and finally to suggest whether you would not think two Lieutenant-Governors, with two Executive Councils, sufficient for the executive government of the whole—viz one for the two Canadas, and one for Nova Scotia and New Brunswick, comprehending the small dependencies of Cape Breton and Prince Edward's Island; the former to reside at Montreal, and the latter at whichever of the two situations may be considered most central for the two Provinces, whether Anapolis, Royal or Windsor. But, at all events, should you even consider four Executive Governments and four Executive Councils requisite, I presume there cannot be a question of the expediency of comprehending the two small islands in the Gulf of St. Lawrence with Nova Scotia.

"Believe me ever to remain, with the most friendly regard,

"My dear Sewell, yours faithfully,

"EDWARD."

I know of but one difficulty in the way of such an union, and that arises from the disinclination which some of the Lower Provinces might feel to the transference of powers from their present Legislatures to that of the Union. The objection to this would arise principally, I imagine, from their not liking to give up the immediate control which they now have over the funds by which their local expenditure is defrayed. I have given such a view of the evils of this system that I cannot be expected to admit

that an interference with it would be an objection to my plan. I think, however, that the Provinces would have a right to complain, if these powers of local management, and of distributing funds for local purposes were taken from the Provincial Assemblies only to be placed in the yet more objectionable hands of a general legislature. Every precaution should, in my opinion, be taken to prevent such a power, by any possibility, falling into the hands of the Legislature of the union. In order to prevent that, I would prefer that the Provincial Assemblies should be retained with merely municipal powers. But it would be far better, in point both of efficiency and of economy, that this power should be intrusted to the municipal bodies of much smaller districts; and the formation of such bodies would, in my opinion, be an essential part of any durable and complete union.

With such views, I should, without hesitation, recommend the immediate adoption of a general legislative union of all the British Provinces in North America, if the regular course of government were suspended or perilled in the Lower Provinces, and the necessity of the immediate adoption of a plan for their government, without reference to them, a matter of urgency, or if it were possible to delay the adoption of a measure with respect to the Canadas until the project of an union could have been referred to the Legislatures of the Lower Provinces. But the state of the Lower Province, though it justifies the proposal of an union, would not, I think, render it gracious, or even just, on the part of Parliament to carry it into effect without referring it for the ample deliberation and consent of the people of those colonies. Moreover, the state of the two Canadas is such that neither the feelings of the parties concerned, nor the interests of the Crown or the colonies themselves, will admit of a single session, nor even of a large portion of a session of Parliament being allowed to pass, without a definite decision by the Imperial Legislature as to the basis on which it purposes to found the future government of those colonies.

In existing circumstances, the conclusions to which the foregoing considerations lead me is, that no time should be lost in proposing to Parliament a bill for repealing the 31st of George III., restoring the union of the Canadas under one Legislature, and reconstituting them as one Province.

The bill should contain provisions by which any or all of the other North American colonies may, on the application of the Legislature, be, with the consent of the two Canadas, or their united Legislature, admitted into the union on such terms as may be agreed on between them.

As the mere amalgamation of the Houses of Assembly of the two Provinces would not be advisable, or give at all a due share of representation to each, a Parliamentary commission should be appointed, for the purpose of forming the electoral divisions, and determining the number of members to be returned on the principle of giving representation, as near as may be, in proportion to population. I am averse to every plan that has been proposed for giving an equal number of members to the two Provinces, in order to attain the temporary end of outnumbering the French, because I think the same object will be obtained without any violation of the principles of representation, and without any such appearance of injustice in the scheme as would set public opinion, both in England and America, strongly against it; and because, when emigration

shall have increased the English population in the Upper Province, the adoption of such a principle would operate to defeat the very purpose it is intended to serve. It appears to me that any such electoral arrangement, founded on the present Provincial divisions, would tend to defeat the purposes of union, and perpetuate the idea of disunion.

At the same time, in order to prevent the confusion and danger likely to ensue from attempting to have popular elections in Districts recently the seats of open rebellion, it will be advisable to give the Governor a temporary power of suspending by Proclamation, stating specifically the grounds of his determination, the writs of Electoral Districts, in which he may be of opinion that elections could not safely take place.

The same commission should form a plan of local Government, by elective bodies, subordinate to the general Legislature, and exercising a complete control over such local affairs as do not come within the province of general legislation. The plan so framed should be made an Act of the Imperial Parliament, so as to prevent the general Legislature from encroaching on the powers of the local bodies.

A general Executive, on an improved principle, should be established, together with a supreme Court of Appeal, for all the North American Colonies. The other establishments and laws of the two Colonies should be left unaltered, until the Legislature of the Union should think fit to change them; and the security of the existing endowments of the Catholic Church in Lower Canada should be guaranteed by the Act.

The constitution of a second legislative body for the united Legislature, involves questions of very great difficulty. The present constitution of the Legislative Councils of these Provinces, has always appeared to me inconsistent with sound principles, and little calculated to answer the purpose of placing the effective check, which I consider necessary, on the popular branch of the Legislature. The analogy which some persons have attempted to draw between the House of Lords and the Legislative Councils, seems to me erroneous. The constitution of the House of Lords is consonant with the frame of English society; and as the creation of a precisely similar body in such a state of society as that of these Colonies is impossible, it has always appeared to me most unwise to attempt to supply its place by one which has no point of resemblance to it, except that of being a non-elective check on the elective branch of the Legislature. The attempt to invest a few persons, distinguished from their fellow-colonists neither by birth nor hereditary property, and often only transiently connected with the country, with such a power, seems only calculated to ensure jealousy and bad feeling in the first instance, and collision at last. I believe that when the necessity of relying, in Lower Canada, on the English character of the Legislative Council, as a check on the national prejudices of a French Assembly, shall be removed by the union, few persons in the Colonies will be found disposed in favour of its present constitution. Indeed, the very fact of union will complicate the difficulties which have hitherto existed: because a satisfactory choice of Councillors would have to be made with reference to the varied interests of a much more numerous and extended community.

It will be necessary, therefore, for the completion of any stable scheme of Government, that Parliament should revise the constitution of the Legislative Council, and by adopting every practical means to give that institution such a character as would enable it, by its tranquil and safe, but effective working, to act as an useful check on the popular branch of

the Legislature, prevent a repetition of those collisions which have already caused such dangerous irritation.

The plan which I have framed for the management of the public lands being intended to promote the common advantage of the Colonies, and of the Mother Country, I therefore propose that the entire administration of it should be confided to an Imperial authority. The conclusive reasons which have induced me to recommend this course, will be found at length in the separate report on the subject of public lands and emigration.

All the revenues of the Crown, except those derived from this source, should at once be given up to the United Legislature, on the concession of an adequate Civil List.

The responsibility to the United Legislature of all Officers of the Government, except the Governor and his Secretary, should be secured by every means known to the British Constitution. The Governor, as the representative of the Crown, should be instructed that he must carry on his Government by Heads of Departments, in whom the United Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature, except on points involving strictly Imperial interests.

The independence of the Judges should be secured, by giving them the same tenure of office, and security of income, as exist in England.

No money votes should be allowed to originate, without the previous consent of the Crown.

In the same Act should be contained a repeal of past provisions, with respect to the Clergy Reserves, and the application of the funds arising frem them.

In order to promote emigration on the greatest possible scale, and with the most beneficial results to all concerned, I have elsewhere recommended a system of measures which has been expressly framed with that view, after full inquiry and careful deliberation. Those measures would not subject either the Colonies or the Mother Country to any expense whatever. In conjunction with the measures suggested for disposing of public lands, and remedying the evils occasioned by past mis-management in that department, they form a plan of Colonization to which I attach the highest importance. The objects, at least with which the plan has been formed, are to provide large funds for emigration, and for creating and improving means of communication throughout the Provinces; to guard emigrants of the labouring class against the present risks of the passage; to secure for all of them a comfortable resting-place, and employment, at good wages, immediately on their arrival; to encourage the investment of surplus British capital in these Colonies, by rendering it as secure and as profitable as in the United States; to promote the settlement of wild lands, and the general improvement of the Colonies; to add to the value of every man's property in land; to extend the demand for British-manufactured goods, and the means of paying for them, in proportion to the amount of emigration, and the general increase of the Colonial people; and to augment the Colonial revenues in the same degree.

When the details of the measure, with the particular reasons for each of them are examined, the means proposed will, I trust, be found as simple as the ends are great; nor have they been suggested by any fanciful or merely speculative view of the subject. They are founded on the facts given in evidence by practical men; on authentic information, as to the

wants and capabilities of the Colonies; on an examination of the circumstances which occasion so high a degree of prosperity in the neighbouring States; on the efficient working and remarkable results of improved methods of Colonization in other parts of the British Empire; in some measure on the deliberate proposals of a Committee of the House of Commons; and lastly, on the favourable opinion of every intelligent person in the Colonies, whom I consulted with respect to them. They involve, no doubt, a considerable change of system, or rather the adoption of a system where there has been none; but this, considering the number and magnitude of past errors, and the present wretched economical state of the Colonies, seems rather a recommendation than an objection. I do not flatter myself that so much good can be accomplished without an effort; but in this, as in other suggestions, I have presumed that the Imperial Government, and Legislature, will appreciate the actual crisis in the affairs of these Colonies, and will not shrink from any exertion that may be necessary to preserve them to the Empire.

By the adoption of the various measures here recommended, I venture to hope that the disorders of these Colonies may be arrested, and their future well-being and connection with the British Empire secured. Of the certain result of my suggestions, I cannot, of course, speak with entire confidence, because it seems almost too much to hope that evils of so long growth, and such extent, can be removed by the tardy application of even the boldest remedy; and because I know that as much depends upon the consistent vigour and prudence of those who may have to carry it into effect, as on the soundness of the policy suggested. The deep-rooted evils of Lower Canada will require great firmness to remove them. The disorders of Upper Canada, which appear to me to originate entirely in mere defects of its constitutional system, may, I believe, be removed by adopting a more sound and consistent mode of administering the Government. We may derive some confidence from the recollection, that very simple remedies yet remain to be resorted to for the first time. And we need not despair of governing a people, who really have hitherto very imperfectly known what it is to have a Government.

I have made no mention of emigration, on an extended scale, as a cure for political disorders: because it is my opinion, that until tranquillity is restored, and prospect of a free and stable Government is held out, no emigrants should be induced to go to, and that few would at any rate remain in, Canada. But if by the means which I have suggested, or by any other, peace can be restored—confidence created—and popular and vigorous Government established—I rely on the adoption of a judicious system of Colonization as an effectual barrier against the recurrence of many of the existing evils. If I should have miscalculated the proportions in which the friends and the enemies of British connection may meet in the United Legislature, one year's emigration would redress the balance. It is by a sound system of Colonization, that we can render these extensive regions available for the benefit of the British people.—The mis-management by which the resources of our Colonies have hitherto been wasted, has, I know, produced in the public mind too much of a disposition to regard them as mere sources of corruption and loss—and to entertain, with too much complacency, the idea of abandoning them as useless. I cannot participate in the notion, that it is the part either of prudence or of honour to abandon our countrymen, when our government of them has plunged them into disorder, or our territory, when we disco-

ver that we have not turned it to proper account. The experiment of keeping Colonies, and governing them well, ought at least to have a trial, ere we abandon for ever the vast dominion which might supply the wants of our surplus population, and raise up millions of fresh consumers of our manufactures, and producers of a supply for our wants. The warmest admirers, and the strongest opponents of Republican institutions, admit or assert that the amazing prosperity of the United States, is less owing to their form of Government than to the unlimited supply of fertile land, which maintains succeeding generations in an undiminishing affluence of fertile soil. A region as large and as fertile is open to Your Majesty's Subjects, in Your Majesty's American Dominions. The recent improvements of the means of communication will, in a short time, bring the unoccupied lands of Canada and New Brunswick within as easy a reach of the British Isles, as the Territories of Iowa and Wisconsin are of that incessant emigration that annually quits New England for the Far West.

I see no reason, therefore, for doubting that, by good government, and the adoption of a sound system of colonization, the British possessions in North America may thus be made the means of conferring on the suffering classes of the mother country, many of the blessings which have hitherto been supposed to be peculiar to the social state of the new world.

In conclusion, I must earnestly impress on your Majesty's advisers, and on the Imperial Parliament, the paramount necessity of a prompt and decisive settlement of this important question, not only on account of the extent and variety of interests, involving the welfare and security of the British empire, which are perilled by every hour's delay, but on account of the state of feeling which exists in the public mind throughout all your Majesty's North American possessions, and more especially the two Canadas.

In various despatches addressed to your Majesty's Secretary of State, I have given a full description of that state of feeling, as I found it evinced by all classes and all parties, in consequence of the events which occurred in the last session of the British Parliament. I do not allude now to the French Canadians, but to the English population of both provinces.—Ample evidence of their feelings will be found in the addresses which were presented to me from all parts of the North American colonies, and which I have inserted in an appendix to this report. But, strong as were the expressions of regret and disappointment at the sudden annihilation of those hopes which the English had entertained, of seeing a speedy and satisfactory termination of that state of confusion and anarchy under which they had so long laboured, they sunk into insignificance when compared with the danger arising from those threats of separation and independence, the open and general utterance of which was reported to me from all quarters. I fortuantely succeeded in calming this irritation for the time, by directing the public mind to the prospect of those remedies which the wisdom and beneficence of your Majesty must naturally incline your Majesty to sanction, whenever they are brought under your Majesty's consideration. But the good effects thus produced by the responsibility which I took upon myself will be destroyed; all these feelings will recur with redoubled violence; and the danger will become immeasurably greater, if such hopes are once more frustrated. and the Imperial Legislature fails to apply an immediate and final remedy to all those evils of which your Majesty's subjects in America so loudly complain, and of which I have supplied such ample evidence.

For these reasons I pray your Majesty's earnest attention to this report. It is the last act arising out of the loyal and conscientious discharge of the high duties imposed upon me by the commission with which your Majesty was graciously pleased to intrust me. I humbly hope that your Majesty will receive it favourably, and believe that it has been dictated by the most devoted feeling of loyalty and attachment to your Majesty's person and throne, by the strongest sense of public duty, and by the earnest desire to perpetuate and strengthen the connexion between this empire and the North American colonies, which would then form one of the brightest ornaments in your Majesty's Imperial Crown.

All which is humbly submitted to your Majesty.

DURHAM.

London, January 31, 1839.

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